

EXHIBIT 1

Travis Casey

August 2, 2010

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE WESTERN DISTRICT OF TEXAS</p> <p>3 AUSTIN DIVISION</p> <p>4 TRAVIS CASEY, °</p> <p>5 Plaintiff, °</p> <p>6 v. ° CASE NUMBER</p> <p>7 ° A-09-CA-337 SS</p> <p>8 OFFICER DAVID RODRIGUEZ °</p> <p>9 and THE CITY OF AUSTIN, °</p> <p>10 Defendants. °</p> <p>11 * * * * *</p> <p>12 THE ORAL AND VIDEOTAPED DEPOSITION</p> <p>13 OF TRAVIS CASEY</p> <p>14 August 2, 2010</p> <p>15 * * * * *</p> <p>16</p> <p>17 ORAL DEPOSITION OF TRAVIS CASEY, produced as</p> <p>18 a witness at the instance of the Defendant and duly</p> <p>19 sworn, was taken in the above styled and numbered</p> <p>20 cause on the 2nd day of August, 2010, from 12:20 p.m.</p> <p>21 to 3:30 p.m., before Sandra S. Givens, CSR, in and for</p> <p>22 the State of Texas, reported by machine shorthand</p> <p>23 method, at the City of Austin law offices 301 W. 2nd</p> <p>24 Street, 4th floor, Austin, Texas 78701, pursuant to</p> <p>25 the Federal Rules of Civil Procedure.</p>	<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2</p> <p>3 Appearances ----- 2</p> <p>4 Exhibits ----- 3</p> <p>5 TRAVIS CASEY</p> <p>6 Examination by Ms. Edwards ----- 4</p> <p>7 Changes and Signature ----- 118</p> <p>8 Reporter's Certification ----- 120</p> <p>9</p> <p>10</p> <p>11 E X H I B I T S</p> <p>12 NO. DESCRIPTION PAGE</p> <p>13 1 Plaintiffs Original Complaint 36</p> <p>14 2 Plaintiffs First Amended Complaint 44</p> <p>15 and Request for Trial by Jury</p> <p>16</p> <p>17 C E R T I F I E D Q U E S T I O N</p> <p>18</p> <p>19 Beginning of Certified Question Page 79, line 4</p> <p>20 End of Certified Question Page 80, line 12</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 Randall Huntsinger</p> <p>5 Tim Flocas</p> <p>6 Huntsinger Law Office, PLLC</p> <p>7 P.O. Box 2327</p> <p>8 Austin, Texas 78768</p> <p>9 512.708.9814</p> <p>10 512.707.9900</p> <p>11</p> <p>12 FOR THE DEFENDANT:</p> <p>13 Chris Edwards</p> <p>14 Assistant City Attorney</p> <p>15 Will King</p> <p>16 Law Clerk</p> <p>17 302 W. 2nd Street, 4th floor</p> <p>18 Austin, Texas 78701</p> <p>19 512.974.2419</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22 Officer Frank Corpus</p> <p>23</p> <p>24 VIDEOGRAPHER:</p> <p>25 James Taylor</p> <p>Deposition Video Services</p> <p>512.835.9330</p>	<p style="text-align: right;">Page 4</p> <p>1 VIDEOGRAPHER: Good afternoon.</p> <p>2 This marks the beginning of videotape number 1 in the</p> <p>3 deposition of Travis Casey on August 2nd, 2010 in the</p> <p>4 matter of Travis Casey v. Officer David Rodriguez and</p> <p>5 The City of Austin, Case No. A-09-CA-337-SS in the</p> <p>6 U.S. District Court. Going on the record, the time is</p> <p>7 12:20.</p> <p>8 TRAVIS CASEY,</p> <p>9 having been first duly sworn, testified as follows:</p> <p>10 EXAMINATION</p> <p>11 BY MS. EDWARDS:</p> <p>12 Q Mr. Casey, I am Chris Edwards. I'm an</p> <p>13 Assistant City Attorney for the City of Austin, and</p> <p>14 I'm defending the City of Austin and Officer David</p> <p>15 Rodriguez whom you have sued. I'm sure that your</p> <p>16 attorneys have given you some idea of what to do in a</p> <p>17 deposition. I'm going to go over a few of the ground</p> <p>18 rules.</p> <p>19 If I make an objection, you still need</p> <p>20 to answer the question even though you're -- I'm</p> <p>21 sorry. If I ask a question and your attorneys make an</p> <p>22 objection, you still need to answer the question.</p> <p>23 Only if your attorneys make an objection and instruct</p> <p>24 you not to answer the question, may you not answer.</p> <p>25 Otherwise, you need to answer the question even though</p>

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<p style="text-align: right;">Page 5</p> <p>1 they make an objection. Is that clear?</p> <p>2 A Yes, ma'am.</p> <p>3 Q Okay. If at any time you need a break, just</p> <p>4 say so. And if you could please answer all of my</p> <p>5 questions with a verbal answer. Don't nod and shake</p> <p>6 your head, the court reporter cannot take that down.</p> <p>7 So you need to speak verbally.</p> <p>8 A Okay.</p> <p>9 Q And you might speak a little louder as well.</p> <p>10 Also, are you on any medication today, sir?</p> <p>11 A No, I'm not.</p> <p>12 Q None at all?</p> <p>13 A None.</p> <p>14 Q Okay. So if you need break, let me know.</p> <p>15 Otherwise, I don't think we're going to be too long</p> <p>16 today. If you don't understand my questions, let me</p> <p>17 know. I can restate it or ask it another way so that</p> <p>18 it is clear to you. Otherwise, I'm going to assume</p> <p>19 that you have answered everything honestly. Have you</p> <p>20 ever done a deposition before?</p> <p>21 A Yes.</p> <p>22 Q You have? When was that?</p> <p>23 A I believe it was in 2004.</p> <p>24 Q What was that for?</p> <p>25 A I was employed at Family Dollar and, as an</p>	<p style="text-align: right;">Page 7</p> <p>1 Q Okay. And after you reported the sexual</p> <p>2 harassment allegation when were you terminated?</p> <p>3 A At the time of the arranged meeting with</p> <p>4 that supervisor, the supervisor out of Georgetown.</p> <p>5 Q I'm sorry?</p> <p>6 A Their headquarters is located in Georgetown.</p> <p>7 I had to arrange a meeting with the supervisor to</p> <p>8 communicate the employee's concerns.</p> <p>9 Q Um-hm.</p> <p>10 A When that supervisor came to the meeting he</p> <p>11 just terminated me. I felt that was a wrongful</p> <p>12 termination.</p> <p>13 Q Did you file a lawsuit?</p> <p>14 A Yes, I did.</p> <p>15 Q Okay. What was the outcome?</p> <p>16 A The outcome was, at the end of the</p> <p>17 deposition they decided to settle with me.</p> <p>18 Q Um-hm.</p> <p>19 A And that's what occurred.</p> <p>20 Q Who was your attorney in that lawsuit?</p> <p>21 A It was Bemis Roach & Reed. It was</p> <p>22 Mr. Bemis.</p> <p>23 Q What type of a lawsuit was it?</p> <p>24 A I believe it was in the nature of employment</p> <p>25 law or something like that.</p>
<p style="text-align: right;">Page 6</p> <p>1 assistant manager, and an employee had came to me and</p> <p>2 described how a supervisor above me had broken policy</p> <p>3 by, well, sexually harassing. And I was in a position</p> <p>4 to report that to the chain of management above him,</p> <p>5 and when I'd arranged the meeting that supervisor had</p> <p>6 came in and terminated my employment for trying to do</p> <p>7 that and...</p> <p>8 Q So an employee came to you and made a report</p> <p>9 of sexual harassment?</p> <p>10 A Yes.</p> <p>11 Q And what was that employee's name?</p> <p>12 A I don't recall the employee's name.</p> <p>13 Q Was it a male or a female?</p> <p>14 A It was a male.</p> <p>15 Q Okay. And you were the assistant manager?</p> <p>16 A Yes, I was.</p> <p>17 Q And who was he reporting had sexually</p> <p>18 harassed him?</p> <p>19 A That supervisor's name was, I believe it</p> <p>20 was, it was Will Hanson, I believe.</p> <p>21 Q Will Hanson was the alleged sexual harasser?</p> <p>22 A Yes. That's correct.</p> <p>23 Q Was he the store manager?</p> <p>24 A He was the supervisor over the Austin</p> <p>25 district above the manager, so to speak.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q Um-hm. And what was the settlement?</p> <p>2 A \$15,000.</p> <p>3 Q So you did give a deposition?</p> <p>4 A Yes, I did.</p> <p>5 Q How much of the, of the \$15,000 settlement</p> <p>6 went to your attorney?</p> <p>7 A One-third, which is \$5,000.</p> <p>8 Q So is that the only time you've given a</p> <p>9 deposition?</p> <p>10 A Yes.</p> <p>11 Q Was the deposition videotaped?</p> <p>12 A No.</p> <p>13 Q Is that the only time you've filed a</p> <p>14 lawsuit?</p> <p>15 A Yes.</p> <p>16 Q Have you been sued before?</p> <p>17 A No.</p> <p>18 Q And that was in 2004?</p> <p>19 A Yes. I believe so. Yes.</p> <p>20 Q Were you offered your job back?</p> <p>21 A No. Part of the condition of the settlement</p> <p>22 was that I was to never speak of it again or seek</p> <p>23 further employment with Family Dollar.</p> <p>24 Q Okay. And you say you've never been sued</p> <p>25 before?</p>

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<p style="text-align: right;">Page 9</p> <p>1 A That's correct.</p> <p>2 Q And you've never filed a suit other than</p> <p>3 that one?</p> <p>4 A That's correct.</p> <p>5 Q Okay. What is your date of birth?</p> <p>6 A October 2nd, 1970.</p> <p>7 Q So you're how old?</p> <p>8 A 39.</p> <p>9 Q And what your driver's license number?</p> <p>10 A 02419184.</p> <p>11 Q Have you had a driver's license anywhere</p> <p>12 other than Texas?</p> <p>13 A Yes.</p> <p>14 Q Where?</p> <p>15 A Arizona.</p> <p>16 Q What's the driver's license number?</p> <p>17 A I don't recall.</p> <p>18 Q When was that?</p> <p>19 A It was for two years between 1996 and 1997.</p> <p>20 Q Only two years you had a driver's license in</p> <p>21 Arizona?</p> <p>22 A That's correct.</p> <p>23 Q Any other driver's licenses in other</p> <p>24 jurisdictions?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 11</p> <p>1 A I've lived in Oklahoma and Arizona.</p> <p>2 Q Any other states?</p> <p>3 A No.</p> <p>4 Q What other cities in Texas have you lived in</p> <p>5 besides Amarillo, Austin, and San Antonio?</p> <p>6 A Houston.</p> <p>7 Q What else?</p> <p>8 A That's all.</p> <p>9 Q Where do you live now?</p> <p>10 A In Austin. Well, no. I'm sorry. San</p> <p>11 Marcos.</p> <p>12 Q Do you have any military service?</p> <p>13 A No.</p> <p>14 Q What is your current e-mail address?</p> <p>15 A Small caps T-R-A-V-I-S-C-A-S-E-Y-A-U-S-T-I-N</p> <p>16 @live.com.</p> <p>17 Q What happened to your -- is that your only</p> <p>18 e-mail address?</p> <p>19 A Yes. It's my only e-mail address.</p> <p>20 Q What happened to your previous e-mail</p> <p>21 address which ended in "myself"?</p> <p>22 A I couldn't recall the password to it. It</p> <p>23 became overcome with junk mail. I couldn't really use</p> <p>24 it, so I set up this e-mail account.</p> <p>25 Q Who is the provider for your current e-mail</p>
<p style="text-align: right;">Page 10</p> <p>1 Q Where are you from?</p> <p>2 A Amarillo, Texas.</p> <p>3 Q Okay. How did you -- how long have you</p> <p>4 resided in -- did you reside in Austin before this</p> <p>5 incident?</p> <p>6 A Yes.</p> <p>7 Q How long did you reside in Austin before</p> <p>8 this incident?</p> <p>9 A I moved to Austin in 1998.</p> <p>10 Q And why did you move to Austin?</p> <p>11 A Because of jobs, economic opportunity in</p> <p>12 health care.</p> <p>13 Q And health care?</p> <p>14 A Yes.</p> <p>15 Q I don't understand. What is it about health</p> <p>16 care in Austin that had you move here?</p> <p>17 A That's what I did for a living. There were</p> <p>18 better jobs in Austin than in San Antonio where I</p> <p>19 initially came to sell. Well, central Texas.</p> <p>20 Q So you're from Amarillo, right?</p> <p>21 A Yes.</p> <p>22 Q And then where did you live? When you left</p> <p>23 Amarillo where did you move to?</p> <p>24 A Well, I've lived in California.</p> <p>25 Q Um-hm.</p>	<p style="text-align: right;">Page 12</p> <p>1 account?</p> <p>2 A Hotmail.</p> <p>3 Q What is your current home phone number?</p> <p>4 A (512) 801-8391.</p> <p>5 Q And your current work number?</p> <p>6 A I don't have a current work number.</p> <p>7 Q How about your cell phone number?</p> <p>8 A That is my primary number.</p> <p>9 Q It's your only number?</p> <p>10 A It's my only number.</p> <p>11 Q All right. What's your height and weight?</p> <p>12 A I'm 6 foot 5 and approximately 200 pounds.</p> <p>13 Q What was your height and weight at the time</p> <p>14 of the incident?</p> <p>15 A 6 foot 5, perhaps 220, 225 pounds.</p> <p>16 Q What is your gender?</p> <p>17 A Male.</p> <p>18 Q And your sexual orientation?</p> <p>19 A Gay.</p> <p>20 Q And your marital status?</p> <p>21 A Single.</p> <p>22 Q Have you ever been married?</p> <p>23 A Yes.</p> <p>24 Q When were you married?</p> <p>25 A In 1989.</p>

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<p style="text-align: right;">Page 13</p> <p>1 Q Whom were you married to?</p> <p>2 A Sheri Cropper.</p> <p>3 THE REPORTER: What was the last</p> <p>4 name?</p> <p>5 Q (By Ms. Edwards) I'm sorry?</p> <p>6 A I'm -- Sheri Cropper. The last name is</p> <p>7 C-R-O-P-P-E-R.</p> <p>8 Q How do you spell the first name?</p> <p>9 A S-H-E-R-I.</p> <p>10 Q How long were you married?</p> <p>11 A About 13 months.</p> <p>12 Q Do you have any children?</p> <p>13 A No.</p> <p>14 Q You've never had children?</p> <p>15 A No.</p> <p>16 Q Have you ever filed for bankruptcy?</p> <p>17 A Yes.</p> <p>18 Q When was that?</p> <p>19 A I believe it was perhaps in 2003, I think.</p> <p>20 Q And tell me about that bankruptcy.</p> <p>21 A At that time I had began having serious</p> <p>22 nauseous episodes that eventually became debilitating.</p> <p>23 I was having to visit the ER at Brackenridge usually</p> <p>24 about twice a week that -- I had amassed so many</p> <p>25 medical bills that it was ruining my credit, and I</p>	<p style="text-align: right;">Page 15</p> <p>1 A I don't recall.</p> <p>2 Q Not at all?</p> <p>3 A Hm, no, I don't.</p> <p>4 Q Who was your attorney for your bankruptcy?</p> <p>5 A Attorney. I'm sorry. I don't recall.</p> <p>6 Q And you said you're not on any medication</p> <p>7 today?</p> <p>8 A That's correct.</p> <p>9 Q What did you do to prepare for this</p> <p>10 deposition, sir?</p> <p>11 A Tried to just get plenty of rest --</p> <p>12 Q Um-hm.</p> <p>13 A -- and...</p> <p>14 Q Did you review any documents to prepare for</p> <p>15 this deposition?</p> <p>16 A No.</p> <p>17 Q Did you read your lawsuit?</p> <p>18 A No.</p> <p>19 Q Have you ever read your lawsuit?</p> <p>20 A What are you referring to? The --</p> <p>21 Q The document that's filed on which your</p> <p>22 lawsuit is based, have you ever read it?</p> <p>23 A Of course. Yes. I've read it.</p> <p>24 Q Okay. Let's talk about your education. Did</p> <p>25 you graduate from high school?</p>
<p style="text-align: right;">Page 14</p> <p>1 sought bankruptcy as some kind of solution to turn</p> <p>2 that around.</p> <p>3 Q You said -- did you say it was because of</p> <p>4 severe nauseousness?</p> <p>5 A It was eventually diagnosed as abdominal</p> <p>6 migraines.</p> <p>7 Q Okay. But earlier you said severe</p> <p>8 nauseousness? Did I hear you correctly?</p> <p>9 A Yes.</p> <p>10 Q Okay.</p> <p>11 A Severe nausea.</p> <p>12 Q Severe nauseousness. You were at</p> <p>13 Brackenridge?</p> <p>14 A Yes.</p> <p>15 Q Several times a week?</p> <p>16 A Yes.</p> <p>17 Q That began in 2003?</p> <p>18 A It actually began in 2001, the episodes of</p> <p>19 that began. I didn't file bankruptcy until later.</p> <p>20 Q Um-hm. What debts were you discharging in</p> <p>21 bankruptcy?</p> <p>22 A I don't recall the miscellaneous things, but</p> <p>23 I had over a hundred thousand dollars in medical</p> <p>24 bills.</p> <p>25 Q What else besides medical bills?</p>	<p style="text-align: right;">Page 16</p> <p>1 A Yes.</p> <p>2 Q Where?</p> <p>3 A From Amarillo College.</p> <p>4 Q Where did you graduate from high school?</p> <p>5 A Amarillo College.</p> <p>6 Q What year was that?</p> <p>7 A It was in '88.</p> <p>8 Q How did you happen to graduate high school</p> <p>9 from Amarillo College?</p> <p>10 A At the end of my junior year I went to the</p> <p>11 junior college, took a placement testing, was already</p> <p>12 at college level.</p> <p>13 Q Did you attend college as a college student?</p> <p>14 A Yes.</p> <p>15 Q When?</p> <p>16 A Intermittently. The exact dates, years I</p> <p>17 don't recall, but it's been intermittently for</p> <p>18 a -- Amarillo College, Pima Community College, Austin</p> <p>19 Community College.</p> <p>20 Q Have you ever earned any degrees?</p> <p>21 A No.</p> <p>22 Q Not even an associate's degree?</p> <p>23 A No.</p> <p>24 Q How many hours of college credit do you</p> <p>25 have?</p>

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<p style="text-align: right;">Page 17</p> <p>1 A Currently I'm not certain.</p> <p>2 Q A year?</p> <p>3 A More than a year.</p> <p>4 Q More than two years?</p> <p>5 A Less than two years.</p> <p>6 Q When was the last time you were attending</p> <p>7 college?</p> <p>8 A I believe it was in 2005.</p> <p>9 Q Um-hm. What were you studying for?</p> <p>10 A I was getting prerequisites for medical</p> <p>11 billing and coding.</p> <p>12 Q What type of program is that?</p> <p>13 A Well, it's a specific program for medical</p> <p>14 billing and coding. There are courses that are</p> <p>15 required, such as human anatomy and physiology for</p> <p>16 medical assistants. That's the last course that I</p> <p>17 successfully completed.</p> <p>18 Q Um-hm. And is that a degree program?</p> <p>19 A Yes.</p> <p>20 Q What is the degree?</p> <p>21 A Medical billing and coding.</p> <p>22 Q That's -- is that an associate's degree in</p> <p>23 medical billing and coding?</p> <p>24 A Yes.</p> <p>25 Q Okay. Which you do not have?</p>	<p style="text-align: right;">Page 19</p> <p>1 pavilion. From there I had moved to Arizona. In</p> <p>2 Arizona I had worked for the Department of</p> <p>3 Developmental Disabilities. I was promoted and</p> <p>4 transferred into Juvenile Voc Rehabilitation.</p> <p>5 Upon returning to Texas I went to work</p> <p>6 in San Antonio at a psychiatric facility as a psych</p> <p>7 tech. I had moved to Austin and gone to work for</p> <p>8 Heritage Duval Gardens and Marriott Brighton Gardens.</p> <p>9 Both were full-time positions. I had worked there</p> <p>10 until -- let's see, after that I had gone to work for</p> <p>11 St. David's Hospital in neural rehab. After that I</p> <p>12 had worked at the Brown Schools, Texas Neural Rehab.</p> <p>13 I had done home health care for Visiting Angels part</p> <p>14 time.</p> <p>15 And then after this incident I was no</p> <p>16 longer able to pass a background check, so I went to</p> <p>17 work at a restaurant as a line cook. Did that for</p> <p>18 about six months and then went to work at a pizza</p> <p>19 restaurant as a manager for a little over a year.</p> <p>20 From there I had gone to work delivering pizzas at</p> <p>21 Domino's downtown. After that I had gone to San</p> <p>22 Marcos and worked at Carino's as a server, and, let's</p> <p>23 see, I think that covers it.</p> <p>24 Q All right. Then let's go backwards. The</p> <p>25 incident was April 30th of 2007, correct?</p>
<p style="text-align: right;">Page 18</p> <p>1 A No.</p> <p>2 Q Let's talk about your work history since</p> <p>3 high school. Where have you worked since high school?</p> <p>4 A Since high school?</p> <p>5 Q Yes.</p> <p>6 A I would have to refer to -- since high</p> <p>7 school, I've had quite a few jobs since high school.</p> <p>8 I'm not sure I could tell you each place that I've</p> <p>9 worked exactly --</p> <p>10 Q Do your best.</p> <p>11 A -- chronologically. My best? Okay. Let's</p> <p>12 see, after high school I have -- I worked various</p> <p>13 different jobs such as at the Amarillo Globe News as</p> <p>14 an inserter; I had worked in food service at Popeye's,</p> <p>15 Burger King, Mr. Burger; and I had gone to Ware</p> <p>16 Memorial Care Center. Went to -- through the course</p> <p>17 to become to become a -- to prepare me to take the</p> <p>18 state test for the Department of Health to get</p> <p>19 registered as a nurse's aide. I had taken a course at</p> <p>20 Amarillo College in phlebotomy. I did not work doing</p> <p>21 that.</p> <p>22 So then I began working in health care</p> <p>23 after that. I'd worked at Ware Memorial and then</p> <p>24 Bivins Memorial Nursing Home, then I had gone to work</p> <p>25 at Northwest Texas Hospital in the psychiatric</p>	<p style="text-align: right;">Page 20</p> <p>1 A Yes.</p> <p>2 Q Where were you working on that day?</p> <p>3 A I was not working at that particular time.</p> <p>4 Q Why not?</p> <p>5 A I was not working at that particular time</p> <p>6 because I was still affected by the abdominal</p> <p>7 migraines that I was suffering from and was unable to</p> <p>8 work.</p> <p>9 Q How long had you been unemployed on April</p> <p>10 30th of '07?</p> <p>11 A The last employment that I'd actually had</p> <p>12 was with Family Dollar. I believe that was in 2000</p> <p>13 and -- 2002, I believe. After that the incidents</p> <p>14 became so close together that I was unable to hold</p> <p>15 down a job, and they were pretty severe.</p> <p>16 Q Okay. And when did you apply for SSI?</p> <p>17 A I applied for that, I believe that happened</p> <p>18 in 2003, I believe.</p> <p>19 Q And was it approved?</p> <p>20 A Yes, it was.</p> <p>21 Q On what basis?</p> <p>22 A On the basis of abdominal migraines.</p> <p>23 Q Is that the sole condition for which you</p> <p>24 were given SSI?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q Mr. Casey, I'm familiar with abdominal 2 migraines, but only in children. I've never heard of 3 in an adult a case of abdominal migraines. How would 4 you respond to that?</p> <p>5 A I would respond to that by saying that in 6 the abdominal area under the ribcage there's a nerve 7 cluster and also a convergence of the circulatory 8 system. In short, a migraine occurs because the 9 nervous system sends out signals that cause the 10 circulatory system to contract and expand, and this 11 affects your blood pressure and triggers the effects 12 of a migraine. The triggers can be light, sound, 13 heat, motion.</p> <p>14 In an abdominal migraine the signal is 15 sent there at the exact portion in your body of your 16 circulatory system. You begin to have, like, 17 convulsive contractions that are just horribly 18 painful. They usually are predominantly prevalent in 19 children who may revert to grow up and having them as 20 an adult, but otherwise in their head, but -- where 21 most people, you know, usually have a migraine.</p> <p>22 It took over a year for the doctors to 23 eventually figure out what was going on. I'd finally 24 seen a neurologist who said in his 30 years of 25 experience he'd never met an adult who actually had</p>	<p style="text-align: right;">Page 23</p> <p>1 in contact with him his office was on Riverside and 2 35.</p> <p>3 Q So he did your SSI for you?</p> <p>4 A Yes, he did.</p> <p>5 Q How much -- excuse me. And how much do you 6 receive in monthly SSI payments?</p> <p>7 A Currently \$821. I have -- yes. \$821, I 8 believe.</p> <p>9 Q When you are not employed do you receive 10 those payments whether or not you are employed?</p> <p>11 A Yes. Because I'm in the work trial period.</p> <p>12 Q I'm sorry?</p> <p>13 A I'm in the return-to-work trial period.</p> <p>14 Q What does that mean?</p> <p>15 A When your condition begins to improve and 16 you're able to maintain employment they do not cut off 17 your benefits or your health care benefits. They do 18 that to help you transition back into the workforce, 19 and that's what I've been trying to do.</p> <p>20 Q All right. So whether you're working or 21 not, your monthly payments are \$821 a month; is that 22 correct?</p> <p>23 A That's correct.</p> <p>24 Q When you are not working is that your sole 25 income?</p>
<p style="text-align: right;">Page 22</p> <p>1 them. In fact, there is no treatment modern in the 2 Physician's Desk Reference for it. It just refers to 3 treating it as you would a regular migraine, but they 4 are extremely rare. It's a hereditary condition. I 5 believe I have it because of a recombination from both 6 sides of my family. They occur in both of my parents' 7 history.</p> <p>8 Q Having never heard of adult abdominal 9 migraines, I'm not aware that it is on the list of 10 approved illnesses to qualify for SSI for adults. How 11 would you respond to that?</p> <p>12 A It surprises me too. They do exist, they're 13 just very rare.</p> <p>14 Q Did you find when you went to apply for SSI, 15 did you find that adult abdominal migraines were on 16 the list of conditions that are approved?</p> <p>17 A I was unaware that there was any list of any 18 conditions that determined whether someone was 19 approved or not approved. I presented my medical 20 history and my case through an attorney, Phillip 21 Leurway.</p> <p>22 Q Can you please spell the last name?</p> <p>23 A I believe it's L-E-U-R-W-A-Y.</p> <p>24 Q Is he here in Austin?</p> <p>25 A Yes. I believe he is -- the last time I was</p>	<p style="text-align: right;">Page 24</p> <p>1 A Yes.</p> <p>2 Q When did you enter the return-to-work trial 3 period?</p> <p>4 A I entered it in -- actually, in 2007.</p> <p>5 Q And how did that come about?</p> <p>6 A It came about because I had no choice but to 7 push through my disability to try to return to work. 8 Despite my injury to my arm and what I was suffering 9 through, to pay for attorneys' fees, living expenses, 10 I had no choice but to try.</p> <p>11 Q So did Social Security put you on the trial 12 work period?</p> <p>13 A I requested it. Yes. Yes, they did, 14 actually. It's their program.</p> <p>15 Q Did you request it, or did Social Security?</p> <p>16 A It's not a matter of a request. If you 17 return to work, you've entered into it. There are 18 certain stipulations in the first two years, and then 19 following that there are different set of rules. So 20 it's not a request that you make. If you return to 21 work, you've automatically entered into it.</p> <p>22 Q So you just testified falsely when you said 23 "I requested it"?</p> <p>24 A No. I didn't testify falsely.</p> <p>25 MR. FLOCAS: Let me object to the</p>

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1 mischaracterization. You can answer.
 2 THE WITNESS: No. I didn't
 3 testify falsely.
 4 Q (By Ms. Edwards) So if I understand you
 5 correctly, you returned to work, and once you return
 6 to work it's automatic that you're in the
 7 return-to-work trial period?
 8 A Yes, it is. It's automatic.
 9 Q How long is the period?
 10 A Five years.
 11 Q So you can continue to receive payments for
 12 five years while working; is that correct?
 13 A That's correct.
 14 Q So you have not worked -- at the time of the
 15 incident you had been unemployed for five years,
 16 correct? Since your lawsuit against Family Dollar?
 17 A Depending on the last date and the
 18 information that I provided to you of having worked at
 19 Family Dollar, that was the last employment that I've
 20 had. So from that period until the time that I had
 21 gone to work as a line cook I had just received Social
 22 Security benefits.
 23 Q From the date of the incident please tell me
 24 everywhere you have worked since April 30th of '07.
 25 A Okay. Since April 30th I had gone to work

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1 at Ryan's Steakhouse as a line cook.
 2 Q When was that?
 3 A I believe it was in June of '07.
 4 Q How long did you work there?
 5 A Until January of 2009.
 6 Q Full time or part time?
 7 A Full time.
 8 Q In Austin?
 9 A No. Wait a moment. I'm confused. I'm -- I
 10 worked at Ryan's Steakhouse for six months. It was in
 11 December that I applied for the management position at
 12 Sarpino's Pizzeria, and I had worked there for, I
 13 believe, 13 months until January of 2009.
 14 Q That's --
 15 A But I ended my employment with Ryan's in
 16 December of 2007.
 17 Q So you were a line cook at Ryan's full time
 18 or part time?
 19 A Part time.
 20 Q Why weren't you working full time?
 21 A I wasn't working full time at that time
 22 because of not feeling well, of trying to push through
 23 the disability, trying to return to work full time
 24 incrementally and...
 25 Q What was your hourly rate?

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1 A Minimum wage. It was 7 -- at that time, at
 2 that time I think I was making 7 dollars an hour.
 3 Q When you say "part time," is that 20 hours?
 4 A Yes. 20 hours, 22, 30 hours per week. It
 5 would vary upon the needs of the store.
 6 Q Were you -- did you resign, or were you
 7 fired?
 8 A I resigned.
 9 Q Why did you resign?
 10 A For the opportunity to use that experience
 11 to go into a management position in hopes of making
 12 more money at the Sarpino's Pizzeria.
 13 Q When did you start working at Sarpino's?
 14 A In December of 2007.
 15 Q Is that in Austin?
 16 A Yes.
 17 Q What was your position?
 18 A Manager.
 19 Q Full time, part time?
 20 A Full time.
 21 Q What's your hourly rate?
 22 A Starting it was 7 dollars an hour.
 23 Q And you worked there for 13 months?
 24 A Yes.
 25 Q Why did you leave?

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1 A I left because it was -- the owner did not
 2 follow through on the employment agreement at the time
 3 I was employed, and I was doing more work than I
 4 thought I was being compensated for at that time. I,
 5 um --
 6 Q So you quit?
 7 A I resigned.
 8 Q Is that your last job?
 9 A No.
 10 Q Where did you work next and when?
 11 A After that term of employment I had gone to
 12 work at Domino's Pizza.
 13 Q When did you start at Domino's?
 14 A I believe I started there -- just a moment.
 15 I don't recall the exact month that I started there.
 16 Q Would have been in 2009, correct?
 17 A Yes. That's correct.
 18 Q How long did you work at Domino's?
 19 A I worked there for three months.
 20 Q What was your position?
 21 A I was delivery driver.
 22 Q Full time or part time?
 23 A It was full time.
 24 Q What was your hourly rate?
 25 A 7.25 an hour plus tips.

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<p style="text-align: right;">Page 29</p> <p>1 Q Why did you leave?</p> <p>2 A I left because at that particular location</p> <p>3 they had -- the student body had left and the hours</p> <p>4 were cut, and it wasn't as lucrative as it had been</p> <p>5 initially.</p> <p>6 VIDEOGRAPHER: Pardon me.</p> <p>7 Mr. Casey, the microphone cords will cause static to</p> <p>8 come through the equipment.</p> <p>9 THE WITNESS: Okay.</p> <p>10 Q (By Ms. Edwards) Where did you work next?</p> <p>11 A I had gone to work at Johnny Carino's in San</p> <p>12 Marcos.</p> <p>13 Q When was that?</p> <p>14 A It was -- I believe it began in August of</p> <p>15 2009.</p> <p>16 Q In what position?</p> <p>17 A Server.</p> <p>18 Q Full time or part time?</p> <p>19 A Part time.</p> <p>20 Q How much?</p> <p>21 A How much? Excuse me?</p> <p>22 Q How much were you paid hourly?</p> <p>23 A Hourly I believe it was 2 dollars and 15</p> <p>24 cents an hour.</p> <p>25 Q Below minimum wage?</p>	<p style="text-align: right;">Page 31</p> <p>1 injury, as result of, slightly before this occurred,</p> <p>2 the loss of a parent, having to be the primary care</p> <p>3 provided for that terminally ill parent, having been</p> <p>4 homeless for two and a half months living in my car,</p> <p>5 having -- living -- having had to live under</p> <p>6 indictment for three years, having -- okay.</p> <p>7 Q Anything else?</p> <p>8 MR. FLOCAS: Do you need a moment?</p> <p>9 THE WITNESS: Yes.</p> <p>10 MS. EDWARDS: Five minutes?</p> <p>11 MR. FLOCAS: Can we take a break?</p> <p>12 MS. EDWARDS: Sure. Absolutely.</p> <p>13 VIDEOGRAPHER: We're going off the</p> <p>14 record, the time is 12:58.</p> <p>15 (At 12:58 p.m. the proceedings</p> <p>16 recessed, continuing at 1:06 p.m.)</p> <p>17 VIDEOGRAPHER: We're going back on</p> <p>18 the record. The time now is 1:06.</p> <p>19 Q (By Ms. Edwards) You've identified several</p> <p>20 attorneys that you have worked with prior to this</p> <p>21 incident. One was your bankruptcy attorney whose name</p> <p>22 you could not recall. Do you recall that now?</p> <p>23 A No. I do not.</p> <p>24 Q Okay. And then there was Will Hanson, your</p> <p>25 employment attorney, and then there was Phillip</p>
<p style="text-align: right;">Page 30</p> <p>1 A Yes.</p> <p>2 Q Why did you leave?</p> <p>3 A I left because it was not sustaining me at</p> <p>4 all financially.</p> <p>5 Q How long did you work there?</p> <p>6 A I worked there for approximately two months.</p> <p>7 Q Where did you work next?</p> <p>8 A Since then I have not worked.</p> <p>9 Q Why not?</p> <p>10 A Since -- I've had -- I've been dealing with</p> <p>11 a lot of depression, a lot of things that have been</p> <p>12 difficult at that point in my life, because</p> <p>13 just -- that's why.</p> <p>14 Q Um-hm. And what is the source of your</p> <p>15 depression?</p> <p>16 A The source of my depression is, I'd say, for</p> <p>17 various reasons that are compounded over the last</p> <p>18 three years.</p> <p>19 Q What is that?</p> <p>20 A Excuse me?</p> <p>21 Q What is that?</p> <p>22 A Specifically?</p> <p>23 Q Yes.</p> <p>24 A Okay. Specifically, the ending of a</p> <p>25 fantastic eight-year relationship, as a result of this</p>	<p style="text-align: right;">Page 32</p> <p>1 Leurway who was your SSI attorney. What other</p> <p>2 attorneys have you had represent you?</p> <p>3 A Will Janson was the supervisor from Family</p> <p>4 Dollar. That information you just repeated</p> <p>5 was incorrect.</p> <p>6 Q Okay. Thank you. Your attorney was Bemis,</p> <p>7 right? Your attorney in that case was Bemis?</p> <p>8 A From the firm of Bemis Roach & Reed.</p> <p>9 Q Yes. What other attorneys have you worked</p> <p>10 with?</p> <p>11 A Those are the only two.</p> <p>12 Q And then prior to your current lawyers you</p> <p>13 had other counsel in this case?</p> <p>14 A Yes. That's correct.</p> <p>15 Q Who was that?</p> <p>16 A Bristol Myers.</p> <p>17 Q Is that a male or a female?</p> <p>18 A Male.</p> <p>19 Q Who's Bristol Myers with?</p> <p>20 A He's an independent attorney.</p> <p>21 Q In Austin?</p> <p>22 A Yes.</p> <p>23 Q And what, what did you consult Bristol Myers</p> <p>24 for?</p> <p>25 A The criminal charges that were alleged</p>

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<p style="text-align: right;">Page 33</p> <p>1 against me.</p> <p>2 Q So Bristol Myers is a criminal attorney?</p> <p>3 A That's correct.</p> <p>4 Q How did you know Bristol Myers?</p> <p>5 A Bristol Myers was contacted by my ex-partner</p> <p>6 when my ex-partner had found out I was in jail.</p> <p>7 Q Okay. And was Bristol Myer the only</p> <p>8 attorney that you had for your criminal case?</p> <p>9 A That's correct.</p> <p>10 Q And then for your civil case did you have</p> <p>11 anyone other than the attorneys in this room?</p> <p>12 A I had consulted with an attorney, but these</p> <p>13 are the, these are the only attorneys that I had</p> <p>14 decided to represent me.</p> <p>15 Q Who was the attorney you consulted with?</p> <p>16 A Let's see.</p> <p>17 THE WITNESS: Do you recall his</p> <p>18 name?</p> <p>19 MR. FLOCAS: Sorry. I can't</p> <p>20 answer.</p> <p>21 Q (By Ms. Edwards) Was it Jeff Edwards?</p> <p>22 A Yes. I believe so.</p> <p>23 Q I recall you called me one day, Mr. Casey,</p> <p>24 and you told me you had fired your attorney Jeff</p> <p>25 Edwards; is that accurate?</p>	<p style="text-align: right;">Page 35</p> <p>1 A Because they --</p> <p>2 MR. FLOCAS: I'm going to object</p> <p>3 to that to the extent it calls for both speculation</p> <p>4 and, I think, begins to intrude on attorney/client</p> <p>5 matters. To the extent that it does turn on</p> <p>6 discussions between you and an attorney, even for the</p> <p>7 purpose of seeking representation, I'm going to</p> <p>8 instruct you not to answer that part.</p> <p>9 THE WITNESS: Thank you.</p> <p>10 Q (By Ms. Edwards) Go ahead.</p> <p>11 MR. FLOCAS: You can answer</p> <p>12 limited to -- if you need her to ask the question</p> <p>13 again, that's all right.</p> <p>14 THE WITNESS: I believe I have an</p> <p>15 answer. It was described to me as charity, because</p> <p>16 they were appalled at what had happened.</p> <p>17 MR. FLOCAS: And I'm going to --</p> <p>18 THE REPORTER: Because they were</p> <p>19 what?</p> <p>20 MR. FLOCAS: I'm just going to</p> <p>21 object to that part as nonresponsive in light of my</p> <p>22 instructions. At this point I may have to ask that</p> <p>23 we no longer get into communications between you</p> <p>24 and -- between my client and his previous attorney</p> <p>25 even for the purposes of seeking representation.</p>
<p style="text-align: right;">Page 34</p> <p>1 A Yes. That's accurate.</p> <p>2 Q So he was representing you?</p> <p>3 A No. He was not representing me in any</p> <p>4 capacity. He had sent me five letters stating that he</p> <p>5 was not representing me or advising me or to any</p> <p>6 effect.</p> <p>7 Q Um-hm. Who drafted this lawsuit?</p> <p>8 MR. FLOCAS: Can the witness see</p> <p>9 that document a little more closely?</p> <p>10 MS. EDWARDS: Sure. Absolutely.</p> <p>11 MR. FLOCAS: And may I as well?</p> <p>12 Are we going to mark it?</p> <p>13 MS. EDWARDS: We are. This is</p> <p>14 Exhibit No. 1, Plaintiffs Original Complaint.</p> <p>15 Q (By Ms. Edwards) Who drafted that document?</p> <p>16 A This is the original document that was filed</p> <p>17 in federal court, correct?</p> <p>18 Q That's correct. And that's your signature</p> <p>19 on the last page saying you do not have an attorney.</p> <p>20 A It was prepared by a paralegal at that firm.</p> <p>21 Q But the firm was or was not representing</p> <p>22 you?</p> <p>23 A They were not representing me.</p> <p>24 Q Then why would they draft this very detailed</p> <p>25 lawsuit for you if they were not representing you?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q (By Ms. Edwards) Any other attorneys you</p> <p>2 consulted to represent you in this lawsuit?</p> <p>3 A No.</p> <p>4 Q How did you come across Jeff Edwards?</p> <p>5 A I had done research online.</p> <p>6 MS. EDWARDS: Okay. Sandy, if we</p> <p>7 could mark that Exhibit 1 when you have a moment.</p> <p>8 (Exhibit No. 1 marked.)</p> <p>9 Q (By Ms. Edwards) I'm going to give you a</p> <p>10 minute to review your lawsuit, sir. Sir, if you would</p> <p>11 review your lawsuit.</p> <p>12 MR. FLOCAS: I'm sorry. When you</p> <p>13 describe that as his lawsuit --</p> <p>14 MS. EDWARDS: Yes.</p> <p>15 MR. FLOCAS: -- is that the live</p> <p>16 pleading in the case?</p> <p>17 MS. EDWARDS: No. As I specified</p> <p>18 earlier, that is Plaintiffs Original Complaint.</p> <p>19 MR. FLOCAS: Could we refer to it,</p> <p>20 then, as the pro se pleading?</p> <p>21 MS. EDWARDS: No. I'm going to</p> <p>22 refer to it as the Plaintiffs Original Complaint.</p> <p>23 MR. FLOCAS: Okay.</p> <p>24 Q (By Ms. Edwards) If you would review it,</p> <p>25 please. Take your time, let me know when you're done.</p>

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<p style="text-align: right;">Page 37</p> <p>1 A Yes. I have looked at this before. I'll</p> <p>2 review it.</p> <p>3 Q Are you done?</p> <p>4 A Yes, I'm done.</p> <p>5 Q Okay. Looking at page number 2 where you</p> <p>6 start to lay out the facts of your lawsuit, tell me if</p> <p>7 there's anything on page number 2 that is not</p> <p>8 truthful.</p> <p>9 A It's all true. There's nothing untruthful.</p> <p>10 Q All right. Now, the two officers on that</p> <p>11 day, Officer Corpus and Officer Rodriguez, were both</p> <p>12 wearing jeans, a T-shirt, and extremely short hair.</p> <p>13 How would you describe those two officers as looking</p> <p>14 like hippies?</p> <p>15 MR. FLOCAS: I'll object to the</p> <p>16 extent that the question, it assumes facts not in</p> <p>17 evidence and is counsel is testifying, but you can go</p> <p>18 ahead and answer.</p> <p>19 THE WITNESS: That was not their</p> <p>20 appearance.</p> <p>21 Q (By Ms. Edwards) Well, you just said that</p> <p>22 this page was truthful, and this page --</p> <p>23 A It is truthful.</p> <p>24 Q -- says you saw --</p> <p>25 A You had told me that they had short hair and</p>	<p style="text-align: right;">Page 39</p> <p>1 and cuts and --</p> <p>2 MS. EDWARDS: Object as</p> <p>3 nonresponsive.</p> <p>4 Q (By Ms. Edwards) My question was, have your</p> <p>5 attorneys not shown you the photographs we've</p> <p>6 produced?</p> <p>7 MR. FLOCAS: And I'm going to</p> <p>8 object to that both because apparently they haven't</p> <p>9 been produced to us; and secondly, to the extent that</p> <p>10 it intrudes on the attorney/client privilege.</p> <p>11 Q (By Ms. Edwards) Mr. Casey --</p> <p>12 MR. FLOCAS: We'd love to see the</p> <p>13 photographs, by the way.</p> <p>14 MR. HUNTSINGER: Yes. I've asked</p> <p>15 them.</p> <p>16 MR. FLOCAS: If you would like to</p> <p>17 produce them, we'd be happy to take a break right now.</p> <p>18 Q (By Ms. Edwards) There are photographs</p> <p>19 taken of all of the individuals involved in the</p> <p>20 incident that day, and that would include you and the</p> <p>21 two officers. Now, if the photographs show that</p> <p>22 Officer Corpus was practically shaved head, his hair</p> <p>23 so short, just like today, then that would not be</p> <p>24 truthful that you said they had long hair, would it?</p> <p>25 MR. FLOCAS: I'm going to object</p>
<p style="text-align: right;">Page 38</p> <p>1 were clean cut, and that was not the case.</p> <p>2 Q What was their appearance?</p> <p>3 A They had long hair, they looked dirty. I</p> <p>4 didn't -- they were wearing some kind of street</p> <p>5 clothes. There wasn't anything in my mind that would</p> <p>6 have indicated they were police officers or anything</p> <p>7 to that effect.</p> <p>8 Q Do you recognize the gentleman seated to my</p> <p>9 right?</p> <p>10 A No, I don't.</p> <p>11 Q This is Officer Frank Corpus, who was one of</p> <p>12 the two officers in the incident that day. You do not</p> <p>13 recognize him?</p> <p>14 A No, I don't.</p> <p>15 Q You understand that we have photographs from</p> <p>16 that day, don't you?</p> <p>17 A Photographs of, let's see, photographs from</p> <p>18 the emergency room at Brackenridge?</p> <p>19 Q We have photographs from everything. You</p> <p>20 understand we have photographs, don't you?</p> <p>21 A No.</p> <p>22 Q Have your attorneys not shown you the</p> <p>23 photographs that we've produced?</p> <p>24 A I was told that there were photographs of me</p> <p>25 with gravel embedded in my face and blood all over me</p>	<p style="text-align: right;">Page 40</p> <p>1 to that to the extent that it assumes facts not in</p> <p>2 evidence and apparently questions my witness about a</p> <p>3 document that hasn't been produced in discovery,</p> <p>4 albeit having been requested. To that extent the</p> <p>5 witness may answer the question.</p> <p>6 THE WITNESS: When someone is</p> <p>7 pointing a gun at you, you see that person. So if</p> <p>8 Officer Corpus had short hair at that time, it may be</p> <p>9 a detail that was peripheral to me.</p> <p>10 Q (By Ms. Edwards) Of course, when you first</p> <p>11 saw them no one was pointing a gun at you. You saw</p> <p>12 two men walking towards you. As you say here, "As I</p> <p>13 was midway across the parking lot to my car I saw two</p> <p>14 individuals who looked like hippies." That's what you</p> <p>15 say in your Plaintiff's Original Complaint. So at</p> <p>16 that time a gun is not pointing at you.</p> <p>17 A I remember seeing a beard, I remember seeing</p> <p>18 long hair, I remember seeing some scraggly clothes. I</p> <p>19 saw two individuals come out of what seemed to be</p> <p>20 nowhere in the bushes yelling, "Hey, you. Hey stop."</p> <p>21 I did not want to have an interaction with those</p> <p>22 individuals. I was trying to get into my car for my</p> <p>23 own safety.</p> <p>24 MS. EDWARDS: Object as</p> <p>25 nonresponsive.</p>

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<p style="text-align: right;">Page 41</p> <p>1 Q (By Ms. Edwards) If the photographs show</p> <p>2 two clean-cut young men with very short hair and clean</p> <p>3 clothing of jeans and T-shirts, they didn't look like</p> <p>4 hippies, did they?</p> <p>5 MR. FLOCAS: Objection once more,</p> <p>6 same grounds. If you're able to answer, answer.</p> <p>7 THE WITNESS: Okay. My</p> <p>8 interpretation of what a hippy looks like may differ</p> <p>9 from your interpretation of what a hippy looks like.</p> <p>10 Someone who seems unkempt, ungroomed, rough around the</p> <p>11 edges, so to speak, perhaps that, in my opinion, may</p> <p>12 be like a hippy at that time that I gave this</p> <p>13 statement. So in my opinion, yes, that's what they</p> <p>14 looked like to me.</p> <p>15 Q (By Ms. Edwards) Okay. If would look at</p> <p>16 page number 3 of Plaintiff's Original Complaint which</p> <p>17 has been marked as Exhibit 2, tell me if there's</p> <p>18 anything on page number 3 that is not truthful.</p> <p>19 A It's all the truth. There's nothing</p> <p>20 untruthful.</p> <p>21 Q All right. Now, in this complaint, in your</p> <p>22 first complaint, in paragraph 17 you say your foot was</p> <p>23 on the brake and the car was not moving, correct?</p> <p>24 A That's correct.</p> <p>25 Q And you state that you threw your hands up</p>	<p style="text-align: right;">Page 43</p> <p>1 you're able to answer, go ahead.</p> <p>2 THE WITNESS: There was -- at the</p> <p>3 time that I was shot I was struck from the 9:00</p> <p>4 o'clock position through the driver-side window of my</p> <p>5 car to my left. There was nothing or no one in front</p> <p>6 of my car. It was sitting in reverse. As he moved</p> <p>7 from the 12:00 o'clock -- after I backed out he was in</p> <p>8 the 12:00 o'clock position facing me, had the gun</p> <p>9 pointed at me the second time. I threw up my hands, I</p> <p>10 said, "Please, God, don't shoot me," and at that time</p> <p>11 he began firing rounds into my car, eventually ended</p> <p>12 up at the 9:00 o'clock position where I was hit.</p> <p>13 I had to reach over the steering column</p> <p>14 with my left hand and put my car into drive. As I did</p> <p>15 that I had to try -- I mean, the shock of that</p> <p>16 happening, no. I did not hit the gas pedal and</p> <p>17 accelerate away. I tried to make my way to the exit</p> <p>18 of the parking lot to where the road leads out of the</p> <p>19 park was at. Once I reached that point then I tried</p> <p>20 to get away as fast as I could, because I needed -- I</p> <p>21 wanted to get somewhere where I could try to call 911.</p> <p>22 MS. EDWARDS: I'm going to object</p> <p>23 as nonresponsive.</p> <p>24 THE WITNESS: Okay.</p> <p>25 Q (By Ms. Edwards) I'm going to give you an</p>
<p style="text-align: right;">Page 42</p> <p>1 and said, "Please don't shoot me," correct?</p> <p>2 A That's correct.</p> <p>3 Q And then in paragraph number 20 you said, "I</p> <p>4 put the car in drive and drove away slowly"; is that</p> <p>5 correct?</p> <p>6 A Yes. That, that's correct.</p> <p>7 Q So although you then say in that same</p> <p>8 sentence you were fearful that you would be killed,</p> <p>9 you drove away slowly; is that right?</p> <p>10 A May I describe how I drove away? What</p> <p>11 happened is that after I was shot I had to reach over</p> <p>12 the steering column with my left hand, put the car</p> <p>13 into drive.</p> <p>14 Q Um-hm.</p> <p>15 A It was in, sitting in reverse as I backed</p> <p>16 out.</p> <p>17 Q This mentions nothing here about you backing</p> <p>18 out, sir. It says you were -- I'm sorry. I'm</p> <p>19 incorrect. It does say that in the paragraph 16. In</p> <p>20 paragraph 21 you say your car was not going fast</p> <p>21 enough to harm anyone. Now, a car would barely have</p> <p>22 to be moving if it hit a person to hurt them; isn't</p> <p>23 that right?</p> <p>24 MR. FLOCAS: I'm going to object</p> <p>25 to that as both argumentative and speculative. If</p>	<p style="text-align: right;">Page 44</p> <p>1 opportunity very shortly to go ahead and give a</p> <p>2 narrative about what happened, but for now if you</p> <p>3 could answer my questions, please.</p> <p>4 A Okay. What is your question?</p> <p>5 Q I'm going to hand you your amended lawsuit,</p> <p>6 which is Plaintiff's First Amended Complaint, and</p> <p>7 we'll mark that --</p> <p>8 A Then we're done with -- are we done with</p> <p>9 this?</p> <p>10 Q For now. And we'll mark that as Exhibit</p> <p>11 No. 2, and I'm going to give you time to read that</p> <p>12 over while --</p> <p>13 A Thank you.</p> <p>14 Q -- the videographer changes the tape.</p> <p>15 A Thank you.</p> <p>16 VIDEOGRAPHER: This marks the end</p> <p>17 of videotape number 1. We're going off the record.</p> <p>18 The time is 1:24.</p> <p>19 (At 1:24 p.m. the proceedings went</p> <p>20 off the record, continuing at 1:28 p.m.)</p> <p>21 (Exhibit No. 2 marked.)</p> <p>22 VIDEOGRAPHER: This marks the</p> <p>23 beginning of videotape number 2 in the deposition of</p> <p>24 Travis Casey on August 2nd, 2010. We're going back on</p> <p>25 the record, the time is 1:28.</p>

11 (Pages 41 to 44)

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<p style="text-align: right;">Page 45</p> <p>1 Q (By Ms. Edwards) Mr. Casey, if you -- have</p> <p>2 you had time to review your Plaintiffs First Amended</p> <p>3 Complaint?</p> <p>4 A Yes.</p> <p>5 Q If you would turn to page 2 where you set</p> <p>6 out the facts of the incident, paragraph 7 you state</p> <p>7 you arrived at the park at a 5:36 a.m., correct?</p> <p>8 A That is correct.</p> <p>9 Q You arrived at the park in pitch black,</p> <p>10 correct?</p> <p>11 A Yes. That is correct.</p> <p>12 Q Were you alone?</p> <p>13 A I had, I had my dog with me.</p> <p>14 Q And were you with any persons?</p> <p>15 A No.</p> <p>16 Q Were you meeting someone?</p> <p>17 A No.</p> <p>18 Q It was pitch black, wasn't it?</p> <p>19 A Yes. It was --</p> <p>20 Q You did not have a flashlight on your</p> <p>21 possession, did you?</p> <p>22 A No. But I believe the sun was starting to</p> <p>23 come up. There was ambient light from the sunrise.</p> <p>24 Q How often have you been to Walnut Creek Park</p> <p>25 prior to the incident?</p>	<p style="text-align: right;">Page 47</p> <p>1 exactly 5:36?</p> <p>2 A Because of the clock in my car.</p> <p>3 Q You checked the time when you arrived?</p> <p>4 A Yes. I happened to look at it and noticed</p> <p>5 that it said 5:36.</p> <p>6 Q You don't remember what two officers look</p> <p>7 like, but you remember the time was 5:36; is that</p> <p>8 right?</p> <p>9 MR. FLOCAS: Objection to the</p> <p>10 extent that's argumentative. You can answer if you</p> <p>11 can.</p> <p>12 THE WITNESS: I do remember seeing</p> <p>13 the clock, and I do remember seeing the officers to my</p> <p>14 recollection of what they looked like. Yes.</p> <p>15 Q (By Ms. Edwards) And you said the park</p> <p>16 opens at 5:30?</p> <p>17 A Yes.</p> <p>18 Q Had you often been there that early?</p> <p>19 A No.</p> <p>20 Q What time do you usually go to the park?</p> <p>21 A It would usually be in the afternoon after</p> <p>22 my partner got off work.</p> <p>23 Q How often had you usually been there in the</p> <p>24 early morning?</p> <p>25 A I usually never went there by myself, but if</p>
<p style="text-align: right;">Page 46</p> <p>1 A Often. I enjoyed Walnut Creek Park because</p> <p>2 of the hiking trails, mountain biking there, going</p> <p>3 there frequently with my partner, taking the pets</p> <p>4 there, flying my remote-control helicopters, walking</p> <p>5 there with friends, relatives that would come visit.</p> <p>6 I would show everyone how wonderful it was.</p> <p>7 Q How often do you go when it's pitch black?</p> <p>8 MR. FLOCAS: Objection to the</p> <p>9 extent that it mischaracterizes his testimony, but you</p> <p>10 can go ahead and answer.</p> <p>11 THE WITNESS: Pitch black is not</p> <p>12 what I would describe it as being. The -- at 5:36 in</p> <p>13 the morning it is pretty dark, but it opens at 5:30.</p> <p>14 So I thought I would go spend some time there that</p> <p>15 day, and just, I -- just some of the places, the</p> <p>16 waterfalls, the fossil beds, places --</p> <p>17 Q You were in a --</p> <p>18 A -- I would go.</p> <p>19 Q I'm sorry. I didn't mean to interrupt you.</p> <p>20 You were in a relationship at the time?</p> <p>21 A Yes.</p> <p>22 Q And your partner did not go with you?</p> <p>23 A No. My partner at that time was in Las</p> <p>24 Vegas.</p> <p>25 Q How do you know you went to the park at</p>	<p style="text-align: right;">Page 48</p> <p>1 it was, like, a weekend, we would go earlier in the</p> <p>2 day and ride the mountain bikes or go hiking, just</p> <p>3 spend the day there. Sometimes --</p> <p>4 Q How long had -- excuse me. How often had</p> <p>5 you been there in the predawn hours before?</p> <p>6 A Up until this time of April 30th, 2007, I</p> <p>7 had lived near Braker and 35 since October of 2004.</p> <p>8 So I couldn't recollect to you how many times I'd</p> <p>9 possibly been there and at what specific times of day,</p> <p>10 but it has been in the morning, the afternoon, and the</p> <p>11 evening.</p> <p>12 Q My question was, how often had you been</p> <p>13 there in the predawn hours before that day?</p> <p>14 MR. FLOCAS: I do believe that's</p> <p>15 been asked and answered.</p> <p>16 THE WITNESS: How often?</p> <p>17 Q (By Ms. Edwards) My question was --</p> <p>18 A If I was going to --</p> <p>19 Q -- in the predawn --</p> <p>20 A -- try to attempt --</p> <p>21 Q -- hours.</p> <p>22 A Predawn hours?</p> <p>23 Q Yes. And I'm sorry, but --</p> <p>24 A I'm --</p> <p>25 Q -- if we would not talk at the same time,</p>

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<p style="text-align: right;">Page 49</p> <p>1 because the court reporter can't take us both down.</p> <p>2 A Okay.</p> <p>3 Q I apologize if I'm doing that, but my</p> <p>4 question is, in the predawn hours how often had you</p> <p>5 been there before?</p> <p>6 A I don't know.</p> <p>7 Q Had you ever been there before in the</p> <p>8 predawn hours?</p> <p>9 A At around this time, around 5:30 in the</p> <p>10 morning when it opens? No. Probably -- no.</p> <p>11 Q You'd never --</p> <p>12 A I've -- I'd never usually ever gone there</p> <p>13 that early. I was just not able to sleep and thought</p> <p>14 that, you know, getting out and getting some fresh air</p> <p>15 would be good. So --</p> <p>16 Q What's the earliest you had been there</p> <p>17 before?</p> <p>18 A Oh, we may have gone there before like,</p> <p>19 maybe, 9:00, between 9:00 and 10:00 in the morning.</p> <p>20 Q I'm sorry. Did you just say that you had</p> <p>21 only been there about 9:00 or 10:30 in the morning</p> <p>22 before this day?</p> <p>23 A You asked me what was the earliest I had --</p> <p>24 Q Yes.</p> <p>25 A -- usually ever been there, and it was</p>	<p style="text-align: right;">Page 51</p> <p>1 had gone into the interior of the park.</p> <p>2 Q All right. So your testimony is that once</p> <p>3 you arrived and you left your car to go to the park</p> <p>4 you only came back to you car the one time, and that</p> <p>5 was when you departed the park; is that right?</p> <p>6 A That's correct.</p> <p>7 Q All right. So I don't understand how you</p> <p>8 were hiking and exploring in the dark, Mr. Casey, when</p> <p>9 you didn't even have a flashlight.</p> <p>10 A I didn't need a flashlight.</p> <p>11 Q Why is that?</p> <p>12 A Because I was familiar with the layout of</p> <p>13 the park. I had gone into the interior and circled</p> <p>14 around a usual hiking trail, and the sun was -- you</p> <p>15 make it sound as though it was just pitch black from</p> <p>16 5:36 in the morning until 9:00 o'clock in the morning,</p> <p>17 and it was not. The sun was coming up. There was</p> <p>18 already ambient light. It was dark when I arrived,</p> <p>19 but although it was cloudy and rainy that day, there</p> <p>20 was -- it was not dark for very long.</p> <p>21 Q Certainly by 9:00 o'clock it's not dark, but</p> <p>22 at 5:36 in the morning it's dark, correct?</p> <p>23 A Let's see. On that particular day. Yes.</p> <p>24 It was dark at 5:36 in the morning.</p> <p>25 Q But you were hiking in the dark at 5:36 in</p>
<p style="text-align: right;">Page 50</p> <p>1 between 9:00 and -- usually between 9:00 and 10:00 in</p> <p>2 the morning.</p> <p>3 Q Okay. And what are the hours that the park</p> <p>4 is open?</p> <p>5 A I believe it's from 5:30 until 10:00</p> <p>6 o'clock.</p> <p>7 Q What makes you think the park is open at</p> <p>8 5:30?</p> <p>9 A Because of the curfew signs at the entrance.</p> <p>10 Q So you're familiar with the signage in the</p> <p>11 park?</p> <p>12 A Yes. Everyone is, I believe, that can read.</p> <p>13 Q What other signs are you familiar with in</p> <p>14 the park?</p> <p>15 A I believe everyone sees the other sign about</p> <p>16 undercover officers in the park to deter people from</p> <p>17 doing illegal things there.</p> <p>18 Q Anything else?</p> <p>19 A The curfew sign and that one are the only</p> <p>20 ones besides the speed limit sign I believe that I'm</p> <p>21 aware of.</p> <p>22 Q Okay. All right. Once you arrived at the</p> <p>23 park that day how many times did you go back to your</p> <p>24 car?</p> <p>25 A I did not go back to my car that morning. I</p>	<p style="text-align: right;">Page 52</p> <p>1 the morning?</p> <p>2 A Yes. I -- yes, I was.</p> <p>3 Q Did you see any other cars when you parked</p> <p>4 there?</p> <p>5 A When I arrived at the park I sort of</p> <p>6 peripherally remember seeing something that looked</p> <p>7 like an old milk truck, either some square-looking</p> <p>8 sort of vehicle, and I wasn't really paying much</p> <p>9 attention, but I thought I saw some people putting on</p> <p>10 some kind of -- looked like neoprene something, or it</p> <p>11 looked like swimsuit. They had -- they also had long</p> <p>12 hair and beards. I thought they were just riding,</p> <p>13 going to ride their bikes, and, you know, I just</p> <p>14 happened to notice that and then went on into the</p> <p>15 park. So, yeah, I do recall.</p> <p>16 Q Who else did you see when you arrived at the</p> <p>17 park? Not later, but when you arrived.</p> <p>18 A I was just describing what I saw when I</p> <p>19 arrived. I believe that was the question that you</p> <p>20 asked me, "What did you see when you arrived?" That's</p> <p>21 what I just described to you. I did not see anything</p> <p>22 later. When I returned to my car, in fact, there was</p> <p>23 no one else, no other car in the parking lot.</p> <p>24 Q Okay. When you arrived did you see anyone</p> <p>25 else other than what you just described?</p>

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<p style="text-align: right;">Page 53</p> <p>1 A No.</p> <p>2 Q And did you see any other vehicles than the</p> <p>3 one you just described?</p> <p>4 A No. I did not see any other vehicles.</p> <p>5 Q Arriving in the dark why didn't you take a</p> <p>6 flashlight with you?</p> <p>7 A I didn't need a flashlight. To me it was</p> <p>8 not that dark. There was ambient light from the</p> <p>9 sunrise already coming up. It was dim, of course, but</p> <p>10 it wasn't so dark that I couldn't make my way through</p> <p>11 a place that I was familiar with.</p> <p>12 Q And you realize that the swimming pool is on</p> <p>13 the complete opposite end of the park, so there</p> <p>14 wouldn't be any swimmers where you were parked. Are</p> <p>15 you aware of that? You said you really knew this</p> <p>16 park.</p> <p>17 A Well, yes. I'm aware of that.</p> <p>18 Q Okay.</p> <p>19 A Yeah.</p> <p>20 Q Let's go through your record, Mr. Casey.</p> <p>21 How many times have you been arrested?</p> <p>22 MR. FLOCAS: I'm going to object</p> <p>23 to that to the extent that I believe it's going to</p> <p>24 intrude on both a juvenile matter that I believe</p> <p>25 you -- have you guys already discussed?</p>	<p style="text-align: right;">Page 55</p> <p>1 the DPS I was arrested out of -- when I tried to do</p> <p>2 that, and that's when I discovered I'd had a 20-dollar</p> <p>3 check for Pizza Hut not clear that account. And I was</p> <p>4 informed that the bank does not send mail across state</p> <p>5 lines of that nature, so I was never aware that that</p> <p>6 had occurred. I paid a fine, and that's what happened</p> <p>7 in that incident when I was arrested.</p> <p>8 Q (By Ms. Edwards) Where were you arrested in</p> <p>9 1996?</p> <p>10 A In Amarillo, Texas.</p> <p>11 Q In Amarillo? I'm sorry --</p> <p>12 A Yes. In Amarillo.</p> <p>13 Q Why did I think you said California for this</p> <p>14 hot check? Am I mistaken?</p> <p>15 A Yes. You're mistaken.</p> <p>16 Q Okay.</p> <p>17 A Yes.</p> <p>18 Q So both of your arrests at this point, the</p> <p>19 one in high school and the hot check, were both in</p> <p>20 Amarillo?</p> <p>21 A That's correct.</p> <p>22 Q Okay. When you were arrested in Amarillo</p> <p>23 tell us about that arrest. What was that, the arrest</p> <p>24 itself?</p> <p>25 A Which one are you referring to?</p>
<p style="text-align: right;">Page 54</p> <p>1 MR. HUNTSINGER: I don't care</p> <p>2 about it.</p> <p>3 MR. FLOCAS: Okay.</p> <p>4 MR. HUNTSINGER: [Inaudible.]</p> <p>5 MR. FLOCAS: Then I'll let the</p> <p>6 witness answer.</p> <p>7 THE WITNESS: Yes. Between</p> <p>8 sophomore and junior year I was with some friends as a</p> <p>9 juvenile, and a window of a car was broken and we were</p> <p>10 prosecuted for it. We had pleaded guilty to it,</p> <p>11 served a year of probation, and as far as I thought,</p> <p>12 it would be a closed matter. It was about 24 years</p> <p>13 ago. Just, is -- what else can I answer to?</p> <p>14 Q (By Ms. Edwards) Any other arrests?</p> <p>15 A Okay. Arrests, yes. In --</p> <p>16 MR. FLOCAS: And obviously, I'm</p> <p>17 just going to maintain my objection as to the time</p> <p>18 period and its relevance and admissibility, although I</p> <p>19 understand that you can be asked about it, and the</p> <p>20 witness can go ahead and answer.</p> <p>21 THE WITNESS: In 19 -- wait. In</p> <p>22 two -- 1996 before I moved to Arizona I had closed out</p> <p>23 my banking account. I had believed everything was</p> <p>24 reconciled, but apparently two years later when I</p> <p>25 returned to Texas to reinstate my driver's license at</p>	<p style="text-align: right;">Page 56</p> <p>1 Q In high school.</p> <p>2 A In high school?</p> <p>3 Q Um-hm.</p> <p>4 A I believe I answered that question.</p> <p>5 Q No. My question -- you did tell me about</p> <p>6 the arrest, but I'm telling you about the act of being</p> <p>7 arrested. Tell me about that.</p> <p>8 A The act of being arrested? I suppose there</p> <p>9 were -- I'm not certain why we were pulled over, and I</p> <p>10 don't, I don't really know -- I believe they thought</p> <p>11 that we had vandalized a car and --</p> <p>12 Q So you were in a car with some other high</p> <p>13 school students?</p> <p>14 A Uh-huh. That's correct.</p> <p>15 Q And you were pulled over by the police?</p> <p>16 A Yes.</p> <p>17 Q And the police had you step out of the car?</p> <p>18 A Yes. That's correct.</p> <p>19 Q And they questioned you?</p> <p>20 A Yes. They questioned us, all of us.</p> <p>21 Q And they arrested you?</p> <p>22 A Yes.</p> <p>23 Q All right. And then your hot check arrest,</p> <p>24 tell me about that process when you were arrested.</p> <p>25 A Well, the process is, is that when you go in</p>

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<p style="text-align: right;">Page 57</p> <p>1 to get your driver's license reinstated if you have a</p> <p>2 warrant for your arrest, at that time they have an</p> <p>3 officer who's located there at that facility who takes</p> <p>4 you to the, I guess, the jailhouse; and then you</p> <p>5 either post bond or pay your fine, make arrangements</p> <p>6 to do something of that nature, and that's what I did.</p> <p>7 Q Did they arrest you?</p> <p>8 A Yes. I was arrested --</p> <p>9 Q Okay.</p> <p>10 A -- for that.</p> <p>11 Q What other arrests do you have, sir?</p> <p>12 A Okay. Aside from this incident?</p> <p>13 Q Aside from the two that you just gave me</p> <p>14 prior to this incident.</p> <p>15 A Okay. I was also arrested in July of last</p> <p>16 year, 2009, for --</p> <p>17 MR. FLOCAS: Again, I'm sorry.</p> <p>18 I'm just going to assert my objection as to what the</p> <p>19 relevance and admissibility, but I understand you can</p> <p>20 go into it, and please answer the question.</p> <p>21 THE WITNESS: Okay. I had moved</p> <p>22 back in with the partner that I'd had. I'd ended the</p> <p>23 relationship about exactly one year to the date that I</p> <p>24 had ended up having to move back in because of</p> <p>25 circumstances that were not good for me, and my</p>	<p style="text-align: right;">Page 59</p> <p>1 Q And why was it dismissed, if you know?</p> <p>2 A It was dismissed because my ex-partner had</p> <p>3 came into cooperation with my attorney and me to the</p> <p>4 effect that the record of what had occurred did not</p> <p>5 actually occur to that nature, that there was no</p> <p>6 assault that was committed, there was no interference</p> <p>7 with a 911 call. So to that effect, it was pretty</p> <p>8 much dismissed.</p> <p>9 Q Did you have an attorney?</p> <p>10 A Yes, I did.</p> <p>11 Q Bristol?</p> <p>12 A No. Chris, Christopher Holub.</p> <p>13 Q Can you spell the last name?</p> <p>14 A H-O-L-U-B.</p> <p>15 Q How long were you in jail?</p> <p>16 A I was in jail for one day, I believe.</p> <p>17 Q What other arrests do you have?</p> <p>18 A None.</p> <p>19 Q What other arrests do you have besides the</p> <p>20 two you just testified to prior to this incident?</p> <p>21 A Just those two and this incident.</p> <p>22 Q And the only arrest since the incident is</p> <p>23 this July 2009 verbal altercation; is that right?</p> <p>24 A That's correct.</p> <p>25 Q What happened in January of 2001 that the</p>
<p style="text-align: right;">Page 58</p> <p>1 partner and I had an argument. It was a verbal</p> <p>2 escalation, and my partner had asked me to move out.</p> <p>3 I said, "Give me a 30-day notice." My partner said,</p> <p>4 "I'm going to call 911." I said, "Fine, go ahead,"</p> <p>5 and my partner did call them. They showed up, and</p> <p>6 subsequently, unfortunately, I ended up being arrested</p> <p>7 and taken to jail --</p> <p>8 Q (By Ms. Edwards) That was --</p> <p>9 A -- as a result.</p> <p>10 Q -- here in Austin, sir?</p> <p>11 A Yes. Here in Austin.</p> <p>12 Q And that was July of 2009?</p> <p>13 A Yes.</p> <p>14 Q Where were you -- where did the fight take</p> <p>15 place?</p> <p>16 MR. FLOCAS: Objection to the</p> <p>17 extent that it mischaracterizes his answer. You can</p> <p>18 answer.</p> <p>19 THE WITNESS: It was, it was at</p> <p>20 1313 Byers Lane, Austin, Texas 78753. That's, that</p> <p>21 was our residence.</p> <p>22 Q (By Ms. Edwards) What was the resolution of</p> <p>23 that arrest?</p> <p>24 A The resolution of that arrest was that it</p> <p>25 was dismissed.</p>	<p style="text-align: right;">Page 60</p> <p>1 police were involved?</p> <p>2 A January of 2001. Um, I don't recall.</p> <p>3 Q Were you the victim of a theft?</p> <p>4 A The victim of a theft, 2001? Oh, let's see.</p> <p>5 Yes. Yes, I was. I don't believe that the police</p> <p>6 helped me with that at all. They advised me of what</p> <p>7 to do is to pursue it in small claims court, but I did</p> <p>8 make a call, I believe, I think. Or it could have</p> <p>9 been over some roommate issue. I believe whatever it</p> <p>10 was was over a roommate issue of some kind.</p> <p>11 Q What happened in November of 2001?</p> <p>12 A I don't recall specifically what kind of</p> <p>13 answer you're wanting for that particular date nine</p> <p>14 years ago.</p> <p>15 Q Were you the victim of an aggravated robbery</p> <p>16 with a deadly weapon?</p> <p>17 A No. I don't believe so. With an</p> <p>18 aggravated weapon? No. I don't recall that. I'm not</p> <p>19 recalling anything of that nature.</p> <p>20 Q What happened in December of 2001?</p> <p>21 MR. FLOCAS: And to the extent</p> <p>22 that that question is a little open-ended, I'm going</p> <p>23 to object to it as vague. If that's enough for you to</p> <p>24 recall, that's fine. If it isn't, that's all right</p> <p>25 too.</p>

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<p style="text-align: right;">Page 61</p> <p>1 THE WITNESS: November of 2001, 2 December of 2001? I don't know where you're leading 3 with all of this, but it's really not making much 4 sense to me. I'm not understanding what information 5 that you're wanting to, to find out or learn. I 6 don't, I don't even, I don't even know where you're 7 going with this. I'm just not understanding it. 8 Q (By Ms. Edwards) I asked what other police 9 involvements you've had besides arrests. What police 10 involvement did you have in December of 2001? 11 A None that I recall at this moment. 12 Q Were you the complainant of a criminal 13 trespass? 14 A The claimant in a criminal trespass? 15 Q The complainant in a criminal trespass. 16 A No. I don't believe so. 17 Q How about in March of '07? What was police 18 involvement then? 19 A I don't recall any police involvement with 20 anything in March of 2007. 21 Q Were you the victim of a theft? 22 A No. 23 Q What police involvement have you had since 24 the incident in April of 2007 other than the verbal 25 altercation you've already mentioned?</p>	<p style="text-align: right;">Page 63</p> <p>1 Q And the exit wound? 2 A There is no clear exit wound on my arm. 3 Q What is that on the inside of your arm? 4 A That is where a piece of shrapnel started 5 working its way out months later and I had to have it 6 surgically excised. 7 Q You had surgery at the time of the incident; 8 isn't that correct? 9 A That's correct. 10 Q And the physician told you he removed all 11 debris and all shrapnel fragments from the bullet; is 12 that right? 13 A No. The physician told me that he debrided 14 the wound, which is just superficial irrigation to 15 remove debris out of it. No. I've had fluoroscopic 16 X-ray done, and it's littered with shrapnel and debris 17 from this portion of my arm up to here. 18 Q In reviewing your medical records, I, and 19 correct me if I'm wrong, in reviewing your medical 20 records I saw that you had surgery that day, but 21 apparently the surgeon did not remove all of the 22 fragments and several months later, or sometime later, 23 you had a second surgery to remove another fragment; 24 is that correct? 25 A That's correct.</p>
<p style="text-align: right;">Page 62</p> <p>1 A None. 2 Q Mr. Casey, if you would please show your arm 3 to the camera. 4 A Okay. May I stand up? 5 Q Sure. I think if you remain seated, the 6 camera is already positioned to where you could be 7 seen seated. 8 A Okay. This is my arm. I have a scar that 9 goes from the distal portion here on my arm -- 10 Q Right. 11 A -- to there. 12 Q Um-hm. 13 A It zigzags across. 14 Q Um-hm. 15 A The bone here, the cortex in the wrist has a 16 crater in it. It severed my radial nerve. 17 Q I just asked to see your arm. That was it. 18 A Okay. 19 Q Is that your only injury from -- oh. 20 MR. FLOCAS: Can he finish his 21 answer? 22 THE WITNESS: There and here. 23 Q (By Ms. Edwards) Which is the entrance 24 wound from the gunshot? 25 A This is the entrance wound.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q All right. So it was actually the surgeon 2 who missed something in the first surgery that was 3 caught in the second surgery; is that accurate? 4 MR. FLOCAS: Objection to the 5 extent that calls for a medical conclusion that this 6 witness isn't qualified to offer. 7 THE WITNESS: I would like to 8 correct you for being wrong, because there's no 9 possible way to remove the matter, the foreign matter 10 that's in my body. From here to here there was so 11 much of it that it would be impossible even with 12 orthoscopic surgery. I would bleed to death, I would 13 lose my arm. That's what has been stated to me by a 14 physician. 15 Q (By Ms. Edwards) Is that written in, 16 anywhere -- 17 MR. FLOCAS: Objection to that as 18 nonresponsive as well. Please continue. 19 THE WITNESS: It was in response 20 to a question I had asked a plastic surgeon about 21 getting the foreign matter out of my hand -- 22 Q (By Ms. Edwards) Is -- 23 A -- my arm. 24 Q I'm sorry to interrupt you. Is that written 25 anywhere in your medical records? Because I see no</p>

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<p style="text-align: right;">Page 65</p> <p>1 record of that.</p> <p>2 A You --</p> <p>3 MR. FLOCAS: If he's going to be</p> <p>4 asked about the document, I would just ask that he</p> <p>5 have an opportunity to examine it.</p> <p>6 THE WITNESS: I believe that you</p> <p>7 may find evidence of the fluoroscopic X-ray in</p> <p>8 Dr. Sharma's medical records that I submitted to you.</p> <p>9 Q (By Ms. Edwards) I have not been provided</p> <p>10 with any X-rays, sir.</p> <p>11 A Okay.</p> <p>12 Q But I've read all the reports, and I saw</p> <p>13 nothing in the report indicating what you've just</p> <p>14 testified to, only the fact that the first surgeon did</p> <p>15 not remove all the fragments and a second surgeon did</p> <p>16 so on a later date. So I see nothing in the medical</p> <p>17 records that describes what you've just testified to.</p> <p>18 Can you explain that?</p> <p>19 MR. FLOCAS: I'm going to object</p> <p>20 to the extent that it's been asked and answered. If</p> <p>21 you have an answer, please feel free to give it.</p> <p>22 Q (By Ms. Edwards) Can you explain that, sir?</p> <p>23 A Yes. Initially, the initial surgeon who</p> <p>24 tried to repair the damage was trying to repair what</p> <p>25 he could circulatorywise. It was not a surgery that</p>	<p style="text-align: right;">Page 67</p> <p>1 MR. FLOCAS: Again I'm going to</p> <p>2 object to that as both argumentative and speculative.</p> <p>3 THE WITNESS: 24 years ago as a</p> <p>4 juvenile? Yes. Unknowingly had a check bounce from</p> <p>5 Pizza Hut from closing out a bank account? Yeah. But</p> <p>6 getting shot, something like that? No.</p> <p>7 Q (By Ms. Edwards) And your concern for your</p> <p>8 dog, you left your dog in the car for three and a half</p> <p>9 hours, didn't you?</p> <p>10 A The window of my car was cracked for</p> <p>11 ventilation on both sides. It was cloudy and rainy</p> <p>12 and cold.</p> <p>13 MS. EDWARDS: Object as</p> <p>14 nonresponsive.</p> <p>15 Q (By Ms. Edwards) My question was, you left</p> <p>16 your dog in the car for three and a half hours; isn't</p> <p>17 that correct?</p> <p>18 A Yes.</p> <p>19 Q And in Austin that's a violation; isn't that</p> <p>20 correct?</p> <p>21 MR. FLOCAS: Objection to the</p> <p>22 extent it calls for a legal conclusion. If you know,</p> <p>23 you can answer.</p> <p>24 THE WITNESS: Do I have to answer?</p> <p>25 MR. FLOCAS: If you know the</p>
<p style="text-align: right;">Page 66</p> <p>1 was, that was -- okay. No. The first surgeon did not</p> <p>2 remove the shrapnel from my arm. The second surgeon</p> <p>3 removed a large piece of shrapnel that was working its</p> <p>4 way from the soft tissue in my arm out. It was</p> <p>5 starting to open up and come out and was becoming</p> <p>6 infected. I had to seek medical treatment to have</p> <p>7 that piece removed.</p> <p>8 So I'm not certain why you would</p> <p>9 believe what you do or that you've read from my</p> <p>10 medical records, because I believe that it's there if</p> <p>11 you were able see it.</p> <p>12 Q So having gone through your arrest record,</p> <p>13 you lied to the police that day when you said you'd</p> <p>14 never been in trouble before, didn't you?</p> <p>15 MR. FLOCAS: Objection, that's</p> <p>16 argumentative. You can answer.</p> <p>17 THE WITNESS: Lied to the police?</p> <p>18 I don't recall lying, lying to the police saying that</p> <p>19 I haven't been in trouble before. I was more</p> <p>20 concerned about my dog in a car with the blood and the</p> <p>21 trauma that I had just undergone. So, no, I don't</p> <p>22 recall even making that statement.</p> <p>23 Q (By Ms. Edwards) If you did make that</p> <p>24 statement, it would have been a lie, wouldn't it?</p> <p>25 Because you have been in trouble before, correct?</p>	<p style="text-align: right;">Page 68</p> <p>1 answer to the question, you can answer it. If you</p> <p>2 don't know, you don't have to answer.</p> <p>3 THE WITNESS: Okay. Yeah. Yes.</p> <p>4 Oh, well, it's just -- no. I'm not certain. Could</p> <p>5 you repeat the question specifically?</p> <p>6 Q (By Ms. Edwards) No. I'll move on.</p> <p>7 A Okay.</p> <p>8 Q Let's talk about your medical history, sir.</p> <p>9 You have hepatitis C; is that correct?</p> <p>10 A That is correct.</p> <p>11 Q And you're a heavy smoker?</p> <p>12 A Not so much anymore. No.</p> <p>13 Q You have been a heavy smoker for most of</p> <p>14 your life, correct?</p> <p>15 A No. That's not correct.</p> <p>16 Q When were you a smoker?</p> <p>17 A I was a smoker --</p> <p>18 Q At the time of the incident you were a heavy</p> <p>19 smoker, correct?</p> <p>20 A Yes. At the time of the incident I did</p> <p>21 smoke cigarettes.</p> <p>22 Q You also are bipolar, sir?</p> <p>23 A No. That's incorrect.</p> <p>24 Q The medical records that indicate you're</p> <p>25 bipolar are incorrect?</p>

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<p style="text-align: right;">Page 69</p> <p>1 A They're incorrect.</p> <p>2 Q How is that appearing on your medical</p> <p>3 records?</p> <p>4 A It appears on my medical record as a</p> <p>5 misdiagnosis.</p> <p>6 Q Can you explain that, please?</p> <p>7 MR. FLOCAS: If you're able to</p> <p>8 explain the circumstances of that, that's fine. If</p> <p>9 you do not have the medical knowledge, that's fine as</p> <p>10 well.</p> <p>11 THE WITNESS: The circumstances</p> <p>12 behind that diagnosis are vague to me, are not, are</p> <p>13 not legitimate. I have, I have -- since that</p> <p>14 diagnosis I have sought other health care</p> <p>15 professionals to make that ascertainment or that</p> <p>16 diagnosis, and they said, "No. You are not bipolar.</p> <p>17 You do not have bipolar disorder."</p> <p>18 Q (By Ms. Edwards) When were you diagnosed as</p> <p>19 bipolar?</p> <p>20 A I was diagnosed by a doctor, I believe, with</p> <p>21 that disorder in, I think -- I'm not certain when I</p> <p>22 was diagnosed with it.</p> <p>23 Q Approximately when were you diagnosed?</p> <p>24 A Approximately, perhaps, 2004.</p> <p>25 Q You have abdominal migraines?</p>	<p style="text-align: right;">Page 71</p> <p>1 asked you specifically about?</p> <p>2 A I've had surgery on my ankle from being</p> <p>3 broken.</p> <p>4 Q When was that?</p> <p>5 A It was in 1985.</p> <p>6 Q How'd you break it?</p> <p>7 A I was doing the high jump and I just came</p> <p>8 down on it wrong.</p> <p>9 Q What else?</p> <p>10 A I had an appendectomy in 1979.</p> <p>11 Q What else?</p> <p>12 A I've had no other surgeries aside from that.</p> <p>13 Q What other major illnesses?</p> <p>14 A Could you ask me specifically, what other --</p> <p>15 Q Other than routine illnesses, something you</p> <p>16 would have had a treatment for, gone to the hospital</p> <p>17 for.</p> <p>18 A Such as strep throat or the flu?</p> <p>19 Q Something beyond that.</p> <p>20 A Okay. Sure. Okay. I discovered that I was</p> <p>21 HIV positive.</p> <p>22 Q When was that?</p> <p>23 A I discovered that in 2000 and, let's see, I</p> <p>24 believe, I believe it was in around, like, January of</p> <p>25 2002.</p>
<p style="text-align: right;">Page 70</p> <p>1 A Yes.</p> <p>2 Q From when was the first onset of your</p> <p>3 abdominal migraines?</p> <p>4 A The first onset of them began in December</p> <p>5 of, I believe it was, December of 2001.</p> <p>6 Q Do they continue?</p> <p>7 A No. They haven't continued.</p> <p>8 Q When did they conclude?</p> <p>9 A I stopped having them sometime in 2007.</p> <p>10 Q And you also suffer from anxiety and</p> <p>11 depressive disorder?</p> <p>12 A Yes.</p> <p>13 Q Since when?</p> <p>14 A I don't recall since, since when.</p> <p>15 Q Approximately when?</p> <p>16 A Approximately when? An approximation, I</p> <p>17 would say intermittently throughout my life. Probably</p> <p>18 since, since I became debilitated with the abdominal</p> <p>19 migraines. I believe that started occurring perhaps</p> <p>20 in -- by 2003 or so.</p> <p>21 Q What other conditions have you had prior to</p> <p>22 this incident, Mr. Casey, medical conditions?</p> <p>23 A Would you ask me specifically?</p> <p>24 Q What other medical conditions have you had</p> <p>25 prior to this incident other than the ones I just</p>	<p style="text-align: right;">Page 72</p> <p>1 Q Any other conditions, sir?</p> <p>2 A No.</p> <p>3 Q Having gone through the medical records for</p> <p>4 the -- for this incident, I don't see where you</p> <p>5 disclosed to any of the medical professionals that you</p> <p>6 were HIV positive, sir.</p> <p>7 A I don't see why you would think that that</p> <p>8 would be in a medical record or that I didn't disclose</p> <p>9 it to them, that they were unaware of any --</p> <p>10 Q Did you disclose it to the police or anyone</p> <p>11 trying to treat you at the scene?</p> <p>12 A Yes. I believe so.</p> <p>13 Q To whom?</p> <p>14 A I remember stating it to an officer or</p> <p>15 someone who was -- I don't know if it was an -- I</p> <p>16 believe maybe it was someone who was trying to give me</p> <p>17 some kind of initial treatment to put some compression</p> <p>18 on the wound site. Yeah. I disclosed it.</p> <p>19 Q Have you reviewed any of the police records</p> <p>20 from that incident, sir?</p> <p>21 A No.</p> <p>22 Q The vehicle that you were driving that day,</p> <p>23 were you the vehicle owner?</p> <p>24 A Yes, I was.</p> <p>25 Q Did you recover the vehicle?</p>

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<p style="text-align: right;">Page 73</p> <p>1 A A month later, yes.</p> <p>2 Q Where's the vehicle now?</p> <p>3 A I do not know where the vehicle is</p> <p>4 currently.</p> <p>5 Q What did you do with the vehicle?</p> <p>6 A The vehicle, I sold the vehicle for scrap.</p> <p>7 Q When you were arrested, in addition to your</p> <p>8 one gunshot wound to your wrist what other injuries</p> <p>9 did you have?</p> <p>10 A In addition to that injury, I had blast</p> <p>11 injuries from my window exploding, my driver-side</p> <p>12 window exploding across my face and my body.</p> <p>13 Q What were the blast injuries specifically?</p> <p>14 A Glass moving at a high rate of velocity</p> <p>15 across my body.</p> <p>16 Q What was your injury from the blast?</p> <p>17 A Cuts, scrapes, and abrasions.</p> <p>18 Q What other injuries did you have at the time</p> <p>19 of your arrest?</p> <p>20 A I had a -- I remember the detective pointing</p> <p>21 at a particular scratch across my arm or someone</p> <p>22 asking, "Where did that come from?" And that</p> <p>23 particular scratch actually came from a pet that I</p> <p>24 had.</p> <p>25 Q What pet?</p>	<p style="text-align: right;">Page 75</p> <p>1 A I don't recall.</p> <p>2 Q Okay. You were released from the</p> <p>3 hospital -- let's see, this incident was on April</p> <p>4 30th. Were you released on May 1st?</p> <p>5 A I was released on April 30th.</p> <p>6 Q Same day?</p> <p>7 A Yes.</p> <p>8 Q And were you released to the jail?</p> <p>9 A I was released into the custody of, I guess</p> <p>10 they were officers. So yes.</p> <p>11 Q And they took you to the jail?</p> <p>12 A Yes. That's correct. Central booking.</p> <p>13 Q Mr. Casey, you also have tachycardia; is</p> <p>14 that right?</p> <p>15 A What's that?</p> <p>16 Q A heart condition.</p> <p>17 A No, I don't.</p> <p>18 Q Other than on April 30th when you had the</p> <p>19 first surgery on your wrist and then you had the</p> <p>20 second surgery on July 17th, did you have any other</p> <p>21 surgical procedures for your wrist, for your gunshot</p> <p>22 wound?</p> <p>23 A No.</p> <p>24 Q Okay. Did you have any other kind of</p> <p>25 treatment other than surgery for your gunshot wound?</p>
<p style="text-align: right;">Page 74</p> <p>1 A A ferret.</p> <p>2 Q Any other injuries?</p> <p>3 A No.</p> <p>4 Q Mr. Casey, the photographs show that you had</p> <p>5 dozens of scratches on your arms and legs. How do you</p> <p>6 explain that?</p> <p>7 A I explain it from the glass exploding on the</p> <p>8 driver-side window of my car and going across my body.</p> <p>9 The bullet apparently struck me on my right side. If</p> <p>10 I'm sitting in my car, all of that stuff had a</p> <p>11 trajectory across me. So that's how I account for</p> <p>12 those scratches, cuts, and abrasions.</p> <p>13 Q All right. So other than the blast injuries</p> <p>14 and the bullet hole, you had one scratch on your arm</p> <p>15 from a ferret?</p> <p>16 A Yes.</p> <p>17 Q How many ferrets did you own?</p> <p>18 A Three.</p> <p>19 Q And all of the other injuries you allege</p> <p>20 were from -- were blast injuries? You had nothing</p> <p>21 other than -- before you arrived -- so before you</p> <p>22 arrived at the park you're saying you had one scratch</p> <p>23 on your arm from a ferret?</p> <p>24 A Yes.</p> <p>25 Q And which arm would that be?</p>	<p style="text-align: right;">Page 76</p> <p>1 A No.</p> <p>2 Q Were you in therapy --</p> <p>3 A Oh.</p> <p>4 Q Go ahead. I'm sorry.</p> <p>5 A Yes, I did. I was attending physical</p> <p>6 therapy.</p> <p>7 Q Okay. My next question was going to be did</p> <p>8 you go into physical therapy?</p> <p>9 A Yes, I did.</p> <p>10 Q Did you complete your physical therapy?</p> <p>11 A Yes, I did.</p> <p>12 Q Did you show up for all your doctor</p> <p>13 appointments and therapy treatments?</p> <p>14 A Yes. To the best of my ability, yes, I did.</p> <p>15 Q Did you follow your treatment plan?</p> <p>16 A Yes, I did.</p> <p>17 Q What did your last water test show?</p> <p>18 MR. FLOCAS: Do we have a copy of</p> <p>19 that?</p> <p>20 THE WITNESS: A water test?</p> <p>21 Q (By Ms. Edwards) Um-hm. You do not know</p> <p>22 what that is?</p> <p>23 MR. FLOCAS: I'm just going to ask</p> <p>24 if this is a medical record, if he could have an</p> <p>25 opportunity to examine it without --</p>

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<p style="text-align: right;">Page 77</p> <p>1 THE WITNESS: I believe that --</p> <p>2 MR. FLOCAS: -- being asked about</p> <p>3 it.</p> <p>4 THE WITNESS: -- part of the</p> <p>5 therapy that I got was inadequate. It --</p> <p>6 MR. FLOCAS: Actually, I'm just</p> <p>7 going to ask you to hold on a second, Travis. If he's</p> <p>8 going to be asked about a medical record, I'd like him</p> <p>9 to have an opportunity to see it.</p> <p>10 MS. EDWARDS: I have no medical</p> <p>11 records other than the ones you've produced today.</p> <p>12 MR. FLOCAS: And apparently,</p> <p>13 you're asking about one of them?</p> <p>14 MS. EDWARDS: No. I'm not asking</p> <p>15 about a medical record.</p> <p>16 MR. FLOCAS: Okay. So I guess you</p> <p>17 referred to a water test, which I took to be a medical</p> <p>18 test.</p> <p>19 MS. EDWARDS: And you're wrong.</p> <p>20 MR. FLOCAS: Okay. In that case,</p> <p>21 would you let me know the basis for your belief that</p> <p>22 there's been a water test?</p> <p>23 MS. EDWARDS: The medical records.</p> <p>24 MR. FLOCAS: So it is, it is</p> <p>25 within the medical record then.</p>	<p style="text-align: right;">Page 79</p> <p>1 examine it.</p> <p>2 MS. EDWARDS: That's fine.</p> <p>3 CERTIFIED QUESTION:</p> <p>4 Q (By Ms. Edwards) What did your last water</p> <p>5 test show?</p> <p>6 MR. FLOCAS: And again, I'm just</p> <p>7 going to ask my witness to take a moment. This really</p> <p>8 could probably be resolved very simply with a very</p> <p>9 brief break so that we could go to the record and have</p> <p>10 an opportunity for both counsel and the witness to</p> <p>11 know, and I'm just going to ask you for the</p> <p>12 opportunity to do that.</p> <p>13 MS. EDWARDS: I'm going to ask</p> <p>14 that the witness answer the question. It's that</p> <p>15 simple.</p> <p>16 MR. FLOCAS: I am going to object</p> <p>17 to the extent he's being asked about a document that</p> <p>18 he does not have an opportunity to examine.</p> <p>19 MS. EDWARDS: And I'm going to</p> <p>20 tell you again he's not being asked about a document.</p> <p>21 I have not asked about a document. I'm asking him</p> <p>22 about his therapy.</p> <p>23 MR. FLOCAS: Which you do agree is</p> <p>24 reflected in --</p> <p>25 MS. EDWARDS: Counsel, your</p>
<p style="text-align: right;">Page 78</p> <p>1 MS. EDWARDS: What's your</p> <p>2 objection under the rules?</p> <p>3 MR. FLOCAS: That the witness is</p> <p>4 being questioned about a document which --</p> <p>5 MS. EDWARDS: No. He's not being</p> <p>6 questioned about a document.</p> <p>7 MR. FLOCAS: He is being</p> <p>8 questioned about a document, and I'd like him to have</p> <p>9 an opportunity to see it.</p> <p>10 MS. EDWARDS: The documents were</p> <p>11 produced by the witness. If he did not review them</p> <p>12 before he produced them, that's not my responsibility.</p> <p>13 MR. FLOCAS: If you'd like to ask</p> <p>14 my witness about a document, I think we're allowed to</p> <p>15 examine it.</p> <p>16 MS. EDWARDS: No. I'm not going</p> <p>17 to ask him about a document, and I'm going to ask you</p> <p>18 to stop interrupting the deposition unless you have an</p> <p>19 objection that falls within the rules. You've stated</p> <p>20 your objection. Unless you're instructing the witness</p> <p>21 not to answer, he's going to answer the question.</p> <p>22 MR. FLOCAS: I'd like a page and</p> <p>23 line reference for myself --</p> <p>24 MS. EDWARDS: Fine.</p> <p>25 MR. FLOCAS: -- so that I may</p>	<p style="text-align: right;">Page 80</p> <p>1 objection is on the record.</p> <p>2 MR. FLOCAS: Okay.</p> <p>3 MS. EDWARDS: So you're either</p> <p>4 going to instruct the witness not to answer and I'm</p> <p>5 going to certify the question, or you're going to stop</p> <p>6 interrupting.</p> <p>7 MR. FLOCAS: Well, what I -- I was</p> <p>8 hoping we could resolve it a bit more simply, but in</p> <p>9 that case I don't want him to answer the question.</p> <p>10 MS. EDWARDS: Sandy, if you would</p> <p>11 certify the question.</p> <p>12 Q (By Ms. Edwards) Sir, do you know what a</p> <p>13 water test is?</p> <p>14 A I never received a water test in my therapy.</p> <p>15 Q A water test is not something you would</p> <p>16 receive, sir. It's part of your therapy that you're</p> <p>17 supposed to be performing at home yourself. Are you</p> <p>18 not performing your water tests?</p> <p>19 A I was not instructed to perform a water</p> <p>20 test.</p> <p>21 Q But you said you're following your therapy.</p> <p>22 A My therapy included exercises and other</p> <p>23 things that would help with my motor function, but it</p> <p>24 did not include a water test. The --</p> <p>25 Q Excuse me. Mr. Casey, that high school</p>

20 (Pages 77 to 80)

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<p style="text-align: right;">Page 81</p> <p>1 arrest that you referred to, was that in 1988?</p> <p>2 A Yes.</p> <p>3 Q It involved more than just breaking a</p> <p>4 window, wasn't it? Burglary of a vehicle?</p> <p>5 A It was vandalism to a vehicle. The initial</p> <p>6 charge was reduced to criminal mischief.</p> <p>7 Q Who is Mark Gillespie?</p> <p>8 A Mark Gillespie is the forensics investigator</p> <p>9 who analyzed my car after I got it back from Southside</p> <p>10 Towing a month later.</p> <p>11 Q Who retained Mark Gillespie?</p> <p>12 A I retained Mark Gillespie.</p> <p>13 Q How did you know Mark Gillespie?</p> <p>14 A I was brought into contact with Mark</p> <p>15 Gillespie through Bristol Myers, my attorney.</p> <p>16 Q How did you pay Mr. Gillespie?</p> <p>17 A Cash.</p> <p>18 Q How much?</p> <p>19 A \$500 down and \$75 an hour for his analysis</p> <p>20 and study on my car.</p> <p>21 Q What was the total?</p> <p>22 A Oh, I believe it was -- he just charged</p> <p>23 me -- that, that was the agreement. Let's see, he</p> <p>24 just charged me \$500, actually, to just do the entire</p> <p>25 thing.</p>	<p style="text-align: right;">Page 83</p> <p>1 business loans, high, um --</p> <p>2 Q Was he your roommate at the time of the</p> <p>3 incident?</p> <p>4 A No. He was my partner, my significant</p> <p>5 other.</p> <p>6 Q Was he also your roommate? Were you living</p> <p>7 together at the time of the incident?</p> <p>8 A Yes. We both resided at 1313 Byers Lane.</p> <p>9 Q And this is the eight-year relationship you</p> <p>10 referred to?</p> <p>11 A Yes.</p> <p>12 Q What was your primary means of support? Was</p> <p>13 it Mr. Milligan?</p> <p>14 A Once I was unable to work and maintain my</p> <p>15 own job, yes, Mr. Milligan supported me. In an effort</p> <p>16 to contribute to my household I had applied for the</p> <p>17 Social Security disability.</p> <p>18 Q What medication were you on on the day of</p> <p>19 the incident?</p> <p>20 A On the day of the incident I don't recall</p> <p>21 what medications I was on that time.</p> <p>22 Q Were you on any medication?</p> <p>23 A I don't recall that I was on any medication</p> <p>24 at that time.</p> <p>25 Q Were you on any prescribed medications?</p>
<p style="text-align: right;">Page 82</p> <p>1 Q That was the total?</p> <p>2 A Yes. I believe that was the total amount I</p> <p>3 ended up paying him.</p> <p>4 Q Where did you get the \$500?</p> <p>5 A I must have been thinking that an</p> <p>6 association in my memory with Mark Gillespie in that</p> <p>7 aspect of what I had to pay him. I think -- that's</p> <p>8 why I thought \$500. It was actually \$75 an hour, and</p> <p>9 it came to \$500 total.</p> <p>10 Q My last question was, where did you get the</p> <p>11 \$500?</p> <p>12 A My partner gave me --</p> <p>13 Q Who was your partner?</p> <p>14 A Aaron Milligan.</p> <p>15 Q Can you spell that, please?</p> <p>16 A A-A-R-O-N, M-I-L-L-I-G-A-N.</p> <p>17 Q What is his date of birth?</p> <p>18 A His date of birth is November 17th, 1971.</p> <p>19 Q What does he do?</p> <p>20 A He is a portfolio manager for Capital</p> <p>21 Certified Development Corporation.</p> <p>22 Q What is Capital Certified Development</p> <p>23 Corporation?</p> <p>24 A Economic -- they, they manage loans for</p> <p>25 commercial and business -- commercial real estate</p>	<p style="text-align: right;">Page 84</p> <p>1 A I may have had some prescribed medications</p> <p>2 at that time, or PRN, on an as-needed basis. I don't</p> <p>3 recall at this time. I -- that was, um, three years</p> <p>4 ago. I don't recall what medications I may have had</p> <p>5 at the time.</p> <p>6 Q Had you been drinking?</p> <p>7 A No.</p> <p>8 Q What about drugs?</p> <p>9 A No.</p> <p>10 Q Do you use drugs?</p> <p>11 A No.</p> <p>12 Q Have you ever?</p> <p>13 A In my early 20s I guess experimented some,</p> <p>14 but no.</p> <p>15 Q What about marijuana?</p> <p>16 A No.</p> <p>17 MS. EDWARDS: How about a short</p> <p>18 break?</p> <p>19 MR. FLOCAS: Sure.</p> <p>20 VIDEOGRAPHER: This marks the end</p> <p>21 of videotape number 2. We're going off the record,</p> <p>22 the time is 2:18.</p> <p>23 (At 2:18 p.m. the proceedings</p> <p>24 recessed, continuing at 2:29 p.m.)</p> <p>25 VIDEOGRAPHER: This marks the</p>

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<p style="text-align: right;">Page 85</p> <p>1 beginning of videotape number 3 in the deposition of 2 Travis Casey on August 2nd, 2010. Back on the record 3 the time is 2:29. 4 Q (By Ms. Edwards) Mr. Casey, you said you've 5 not reviewed any of the photographs in this incident; 6 is that right? 7 A That is correct. 8 Q If you would just tell us generally about 9 the incident from start to finish, I may stop you with 10 some questions or I may let you tell the whole story 11 and then come back with some questions. So from the 12 time you arrived at the park at 5:36 a.m. 13 A Okay. I had arrived at 5:36 a.m. I had 14 gotten out of my car, walked across the street, went 15 into the trails, followed a central route into the 16 interior to -- off to the, to the right, which would 17 be the west side of the park, and just spent some time 18 in different areas along the way there that are nice 19 to spend time in. 20 I had walked back up the west side of 21 it heading north. I came out of it, I started 22 approaching my car coming across the parking lot. 23 Let's see. As I was probably about 20, 25 feet away 24 from my car I started hearing someone yelling. I 25 looked up and I saw two individuals sort of coming out</p>	<p style="text-align: right;">Page 87</p> <p>1 9:00 o'clock position and shot me through the 2 driver-side window of my car. 3 I reached over the steering column with 4 my left hand, put it into drive. The shock of what 5 happened I was barely able to sort of steer the 6 steering wheel. I believe that the bullets that went 7 through the hood of my car, they damaged internal 8 components of the car, the steer -- the power 9 steering. That's why it was difficult, that's why I 10 had to go slow. I couldn't steer the car, it was 11 damaged. 12 I got to the exit of the parking lot 13 where it leads to the main road that leaves the park, 14 and I accelerated to get out of there to try to call 15 911. I, I had gone out to Parmer, down to Lamar. I 16 started feeling kind of dizzy. I felt like I was 17 going to pass out at that time, so I thought I needed 18 to get, I needed to get somewhere so someone could 19 find me. I went over to a crossover between Lamar and 20 the frontage of 35 where there was some construction 21 going on with some construction cones, and I pulled my 22 car over there and I turned on my hazard. 23 I had started hearing sirens at that 24 time. I thought it was from someone calling their 25 cell phone, at the intersection of Parmer and I-35</p>
<p style="text-align: right;">Page 86</p> <p>1 of some obscure place, like, way across the parking 2 lot where there's a grassy sort of area in the central 3 part of it, and then it's like a horseshoe shape. 4 They were on the other side of that horseshoe thing. 5 I was startled by it. I had heard them 6 going, "Hey, stop. You stop," and it didn't seem like 7 a very safe situation. I looked around, my car was 8 the only one in the parking lot, I realized I was 9 alone. I went to try to get into my car, tried to 10 lock the door. As I did that they approached my car. 11 One of them came around to the side and hit the 12 driver-side window. As I looked up from that the 13 other one was standing in front of my car holding a 14 gun, pointing it at me. 15 I just had a moment to think, Oh, my 16 gosh. I had started the ignition of the car. I 17 maintained eye contact with the guy who was holding 18 the gun on me. I put my car in reverse, and I slowly 19 backed out. After I'd turned my steering wheel to the 20 left so that my car would be facing the exit, the 21 individual got in front of my car at that time when my 22 car came to a complete stop while in reverse. At that 23 time with my foot on the brake I threw my hands up. I 24 said, "Please don't shoot me." The officer began 25 shooting at my car parked until he got around to the</p>	<p style="text-align: right;">Page 88</p> <p>1 they had seen me speeding and called the cops. And so 2 while I was there they pulled up behind. I got out of 3 the car and they instructed me to put my hands up, 4 then put me down on the ground and proceeded to take 5 me into custody, call an ambulance, and I was taken to 6 Brackenridge in an ambulance and I was... 7 Q What time -- so you were there three and a 8 half hours? From the time you arrived till the time 9 you went back to your car you were there three and a 10 half hours; is that right? 11 A Approximately. Yes. 12 Q Why did you leave your dog in the car? 13 A Because she was sleepy. 14 Q Were the doors locked? 15 A Yes. They were locked. 16 Q Why did you take your dog to the park? 17 A Because she basically went everywhere with 18 me. Usually walked with me there, but she was 19 sleeping and it was dark, and I didn't want her 20 to -- she couldn't, probably couldn't have seen where 21 she was going. It was... 22 Q Did you use the restroom while you were 23 there? 24 A No. 25 Q It was too dark for your dog to see, but you</p>

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<p style="text-align: right;">Page 89</p> <p>1 could see just fine; is that right?</p> <p>2 A I was familiar with the terrain. My new</p> <p>3 puppy was not.</p> <p>4 Q And when you go into the woods it's even</p> <p>5 darker than it is when you're not in the woods; isn't</p> <p>6 that correct?</p> <p>7 A I was not in the woods. There is a trail</p> <p>8 that goes alongside the woods, and if you follow that,</p> <p>9 there's a main trail that leads into the interior that</p> <p>10 is wide and not wooded.</p> <p>11 Q But it's darker in the interior, is it not?</p> <p>12 A I would say it would be darker in the</p> <p>13 interior of a wooded area as opposed to outside of it.</p> <p>14 Yes.</p> <p>15 Q What'd you do for three and a half hours?</p> <p>16 A For three and a half hours I made my way to</p> <p>17 specific points of places that I spent time with</p> <p>18 different family members there, my partner, fossil</p> <p>19 beds. I always try to collect something from going</p> <p>20 and visiting there. I had walked until I got to an</p> <p>21 end point where there's a waterfall and then made my</p> <p>22 way back up along the west side of the park heading</p> <p>23 north, just back to my car. Just took my time, was</p> <p>24 just walking.</p> <p>25 Q Did you have any water with you?</p>	<p style="text-align: right;">Page 91</p> <p>1 yourself to him and assaulted him in the woods, is he</p> <p>2 lying?</p> <p>3 A Yes. That did not occur.</p> <p>4 Q And if Officer Rodriguez and Officer Corpus</p> <p>5 say that they identified themselves to you as police</p> <p>6 officers and told you to stop, are they lying?</p> <p>7 A Yes. I did not see a badge, any</p> <p>8 police-issued anything. No.</p> <p>9 Q Why would all these officers who don't even</p> <p>10 know you just be lying about you, Mr. Casey?</p> <p>11 MR. FLOCAS: Objection to the</p> <p>12 extent it calls for speculation or argumentative. You</p> <p>13 may answer.</p> <p>14 THE WITNESS: I can't make a -- I</p> <p>15 can't honestly answer that. I have no idea what may</p> <p>16 or may not be going through another individual's mind</p> <p>17 that's not my own.</p> <p>18 Q (By Ms. Edwards) Is this just some sort of</p> <p>19 a vast right-wing conspiracy against you?</p> <p>20 MR. FLOCAS: Objection to the</p> <p>21 extent that's argumentative.</p> <p>22 THE WITNESS: I wouldn't speculate</p> <p>23 along those lines or that kind of nature.</p> <p>24 Q (By Ms. Edwards) Okay. And if Sergeant</p> <p>25 Becker had injuries that day consistent with you</p>
<p style="text-align: right;">Page 90</p> <p>1 A Water?</p> <p>2 Q Um-hm.</p> <p>3 A No. I didn't have any water with me that</p> <p>4 morning. I wasn't -- no. I didn't bring any water</p> <p>5 with me.</p> <p>6 Q So you were empty-handed when you walked out</p> <p>7 of your car?</p> <p>8 A Yes. I believe so.</p> <p>9 Q And you were empty-handed when you walked</p> <p>10 back to your car?</p> <p>11 A That's incorrect. I wasn't empty-handed</p> <p>12 when I walked back to my car.</p> <p>13 Q What did you have?</p> <p>14 A I had a set of antlers, a six-point rack</p> <p>15 that I found from a -- some kill, and it was bleached</p> <p>16 already, and I thought I would bring that home.</p> <p>17 Q Who did you see when you walked around for</p> <p>18 three and a half hours?</p> <p>19 A No one.</p> <p>20 Q Never saw a single person?</p> <p>21 A No.</p> <p>22 Q Didn't have an encounter with a male in the</p> <p>23 woods?</p> <p>24 A No.</p> <p>25 Q So if Sergeant Becker says that you exposed</p>	<p style="text-align: right;">Page 92</p> <p>1 assaulting him, how would you explain that?</p> <p>2 MR. FLOCAS: And I'll object to</p> <p>3 that as calling for speculation.</p> <p>4 THE WITNESS: I -- could you</p> <p>5 repeat your question? I'm --</p> <p>6 Q (By Ms. Edwards) If Sergeant Becker had</p> <p>7 injuries that day consistent with you assaulting him,</p> <p>8 how would you explain that?</p> <p>9 A I have no explanation, because it couldn't</p> <p>10 be consistent with me assaulting him, because I did</p> <p>11 not assault him. So in my mind there is no</p> <p>12 consistency to his claim. It did not occur.</p> <p>13 Q You never even saw him?</p> <p>14 A I did not assault Sergeant Becker. So, no,</p> <p>15 his injuries, no, not consistent.</p> <p>16 Q Well, Sergeant Becker says that you exposed</p> <p>17 yourself to him, and you deny that?</p> <p>18 A Yes.</p> <p>19 Q And Sergeant Becker says that you grabbed</p> <p>20 his private parts. You deny that?</p> <p>21 A I deny that.</p> <p>22 Q Sergeant Becker says he told you he was</p> <p>23 police and you were under arrest. Do you deny that?</p> <p>24 A Yes. I deny that.</p> <p>25 Q And Sergeant Becker says you then shoved</p>

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<p style="text-align: right;">Page 93</p> <p>1 him, and he has the injuries and the photographs to</p> <p>2 show that. Do you deny that as well?</p> <p>3 A I deny that as well.</p> <p>4 Q All right. So any idea how that happened?</p> <p>5 MR. FLOCAS: Object to the fact</p> <p>6 it's been asked and answered.</p> <p>7 THE WITNESS: I don't know what</p> <p>8 may have been pre, preexisting condition, if it</p> <p>9 happened as a result of something else; but no, I</p> <p>10 don't believe that any injury he may or may not have</p> <p>11 had was a result of anything he claims that I did or</p> <p>12 didn't do, based on the fact that if I was injured on</p> <p>13 the job, I would go seek medical care right away and</p> <p>14 that not, like, after -- I don't know. No. I have no</p> <p>15 explanation for it. I don't know why he would claim</p> <p>16 that I injured him when I clearly did not.</p> <p>17 Q (By Ms. Edwards) You never even saw him, is</p> <p>18 your testimony.</p> <p>19 A That's correct.</p> <p>20 Q So how did he happen to give your</p> <p>21 description to APD if you never saw him?</p> <p>22 A Perhaps he saw me. From my understanding,</p> <p>23 they were having a sex-sting operation going on in the</p> <p>24 park that morning. Perhaps the individuals I</p> <p>25 peripherally saw to the right were those individuals.</p>	<p style="text-align: right;">Page 95</p> <p>1 there that day.</p> <p>2 A Okay. Well, to my recollection --</p> <p>3 MR. FLOCAS: I object to the</p> <p>4 extent that that's testimony, and if it's a question,</p> <p>5 you can answer.</p> <p>6 THE WITNESS: Okay.</p> <p>7 Q (By Ms. Edwards) So we did not have any</p> <p>8 officers there that fit the description of the only</p> <p>9 people that you have described. So how would Sergeant</p> <p>10 Becker have seen you if you say you never saw him,</p> <p>11 much less assaulted him? Can you explain that?</p> <p>12 A I think, you know, I don't recognize Officer</p> <p>13 Corpus, but I do remember a tunnel vision of Officer</p> <p>14 Becker. I had made eye contact with him. He had a</p> <p>15 gun trained on me twice, had shot me with it the</p> <p>16 second time.</p> <p>17 Q Sir, that was Officer Rodriguez that had a</p> <p>18 gun that day --</p> <p>19 A Oh, okay.</p> <p>20 Q -- not Sergeant Becker.</p> <p>21 A Okay. I'm confused then. The officer who</p> <p>22 shot me, I remember his face. I don't recall. I'm</p> <p>23 sorry. I'm confused. I'm trying to refer to the</p> <p>24 officer who shot me. That's the only face that I'm</p> <p>25 trying to say that I can clearly remember in detail,</p>
<p style="text-align: right;">Page 94</p> <p>1 I have no idea.</p> <p>2 Q Um-hm.</p> <p>3 A I wasn't really paying too much attention to</p> <p>4 that, but maybe had a description of me walking across</p> <p>5 the street towards the woods. You know, perhaps had a</p> <p>6 description of me after I returned and approached me.</p> <p>7 I have no idea. My name was on my car on the</p> <p>8 registration sticker of that year.</p> <p>9 Q Actually, he gave your description before</p> <p>10 you were arrested, after the encounter in the woods.</p> <p>11 A After that encounter in the woods?</p> <p>12 Q Yes.</p> <p>13 A Well, perhaps he saw me walking across the</p> <p>14 street towards them, but I don't know.</p> <p>15 Q But you just earlier testified who you saw</p> <p>16 when you arrived, and you never described seeing</p> <p>17 anyone of Sergeant Becker's description.</p> <p>18 A Sergeant Becker's description? I did</p> <p>19 describe some people to -- in the parking lot. You</p> <p>20 asked me if I had seen anyone else there.</p> <p>21 Q That's right.</p> <p>22 A And I'm, I'm just giving my best guess that</p> <p>23 perhaps that's who the police officers may have been</p> <p>24 in retrospect, that that's who they perhaps were.</p> <p>25 Q We didn't have any long-haired officers</p>	<p style="text-align: right;">Page 96</p> <p>1 and I disagree with you about him having short hair</p> <p>2 and being well groomed. He had a scraggly mustache.</p> <p>3 I mean, I was at -- that's my memory of the incident.</p> <p>4 That's my impression of my memory of the description.</p> <p>5 Q So you're saying he had -- he was scraggly,</p> <p>6 he had a beard and a mustache. Earlier you said he</p> <p>7 had a beard.</p> <p>8 A He had a big handlebar-type mustache --</p> <p>9 Q Okay.</p> <p>10 A -- from what I recall --</p> <p>11 Q All right.</p> <p>12 A -- on his face.</p> <p>13 Q That's who you recall seeing?</p> <p>14 A Yes. The one who had the gun.</p> <p>15 Q Okay. So if these officers -- obviously,</p> <p>16 they were in plain clothes to do a sex sting. Have</p> <p>17 you ever had any sex in that park?</p> <p>18 A No.</p> <p>19 Q No sexual encounters?</p> <p>20 A No.</p> <p>21 Q Do you know that that is a park where men do</p> <p>22 have sexual encounters with other men?</p> <p>23 A I believe that was the purpose of putting</p> <p>24 the sign up that you can see in any park, probably in</p> <p>25 any state anywhere in this country.</p>

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<p style="text-align: right;">Page 97</p> <p>1 Q Well, actually, you don't know -- I do not</p> <p>2 know that sign to be up in every park.</p> <p>3 A Well, I wouldn't -- I've seen it in other</p> <p>4 parks too. Walnut Creek is not the only park that I</p> <p>5 would go mountain-bike riding or hiking or picnicking</p> <p>6 or spending time with my partner or the dogs or family</p> <p>7 or friends for recreation to enjoy them.</p> <p>8 Q What other parks have you seen that sign in?</p> <p>9 A We've camped out at Mary Moore Searight,</p> <p>10 we --</p> <p>11 Q Sir, my question was, what other parks have</p> <p>12 you seen that sign in?</p> <p>13 A I believe I've seen it at Mary Moore</p> <p>14 Searight Park, I believe I've seen it at Bull Creek</p> <p>15 Park. Let's see. We would also go to a place off of</p> <p>16 Duval, between Duval and Parmer, Amherst, Amherst</p> <p>17 Park.</p> <p>18 Q And that has -- the same sign is there?</p> <p>19 A I think so. I'm not sure. I believe so</p> <p>20 though.</p> <p>21 Q So why do you think -- can you explain why</p> <p>22 Officer David Rodriguez would pull a gun on you if you</p> <p>23 had done nothing wrong?</p> <p>24 MR. FLOCAS: I'm going to object</p> <p>25 to the extent that that calls for speculation. You</p>	<p style="text-align: right;">Page 99</p> <p>1 THE WITNESS: They perhaps --</p> <p>2 MR. FLOCAS: -- speculation. You</p> <p>3 may go ahead.</p> <p>4 THE WITNESS: -- assumed. I don't</p> <p>5 know. I have no idea.</p> <p>6 Q (By Ms. Edwards) Why would they assume your</p> <p>7 sexual orientation, sir?</p> <p>8 A I don't know. I --</p> <p>9 MR. FLOCAS: [Inaudible.]</p> <p>10 THE WITNESS: -- was trying to</p> <p>11 make a -- I was trying to answer your question. You</p> <p>12 asked me "why would you think." I have no idea why</p> <p>13 anybody would think what they think. I'm not in their</p> <p>14 mind.</p> <p>15 Q (By Ms. Edwards) Well, if, as you allege,</p> <p>16 your criminal attorney stated that they just wanted to</p> <p>17 bag a fag --</p> <p>18 A Yeah.</p> <p>19 Q -- well, they could do that just as well by</p> <p>20 announcing they're police and showing their badges,</p> <p>21 correct?</p> <p>22 MR. FLOCAS: Objection to the</p> <p>23 extent it calls for speculation.</p> <p>24 THE WITNESS: I believe it was</p> <p>25 attempted murder.</p>
<p style="text-align: right;">Page 98</p> <p>1 can answer it.</p> <p>2 THE WITNESS: Do you want me to</p> <p>3 give -- okay. You asked the question.</p> <p>4 Q (By Ms. Edwards) Yes.</p> <p>5 A I'm going to tell you. Because I believe</p> <p>6 that, I believe that my criminal attorney coined it</p> <p>7 pretty well. He said they wanted to bag a fag and go</p> <p>8 on a turkey hunt. He did it as -- what he said it</p> <p>9 happened did not happen.</p> <p>10 Q I've never heard the term "go on a turkey</p> <p>11 hunt." What does that mean?</p> <p>12 A It means I was there by myself, I</p> <p>13 think -- I'm trying to reconcile in my own mind,</p> <p>14 psychologically, in lots of ways to try to come up</p> <p>15 with an answer to that myself, ma'am, and the best</p> <p>16 thing that I can come up with so far is that I believe</p> <p>17 basically that it was a hate crime. It was, it was a</p> <p>18 misuse of a power that was given to an individual who</p> <p>19 hurt a citizen that it was otherwise supposed to have</p> <p>20 protected. It was --</p> <p>21 Q Well, these officers would have no way of</p> <p>22 knowing your sexual orientation, would they?</p> <p>23 A They would --</p> <p>24 MR. FLOCAS: Object to the extent</p> <p>25 that calls for --</p>	<p style="text-align: right;">Page 100</p> <p>1 Q (By Ms. Edwards) Why is that?</p> <p>2 A Because I did not hurt anyone. I did not</p> <p>3 speed at anyone in my car. If that was a police</p> <p>4 officer, my tires could have been shot out, my car</p> <p>5 could have been towed away. I -- when someone even</p> <p>6 throws up their hands, you know -- I had no idea at</p> <p>7 that time. I mean, if it was a police officer, why</p> <p>8 did he shoot my car seven times and strike me through</p> <p>9 the driver-side window?</p> <p>10 My car was not even moving. It was</p> <p>11 parked, it was in reverse. It was only after I got</p> <p>12 shot that I reached across the steering column, put it</p> <p>13 into drive, and tried to turn the steering wheel with</p> <p>14 the broken power steering because one of the rounds</p> <p>15 went through the hood of my car into the mechanisms,</p> <p>16 and that's what happened.</p> <p>17 Q So both officers are lying?</p> <p>18 A Yes.</p> <p>19 Q Both officers are lying when they say you</p> <p>20 tried to run them over?</p> <p>21 A Yes, they'd are.</p> <p>22 Q You did not try to run Officer Corpus over</p> <p>23 when you put it in reverse?</p> <p>24 A No. I did not.</p> <p>25 Q So once he was no longer --</p>

25 (Pages 97 to 100)

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<p style="text-align: right;">Page 101</p> <p>1 MR. HUNTSINGER: Counsel, your</p> <p>2 witness over there is shaking his head, frowning, and</p> <p>3 making noises at my client, and I'm not okay with it.</p> <p>4 MS. EDWARDS: One lawyer in a</p> <p>5 depo, and you're not it.</p> <p>6 MR. FLOCAS: I'd like to point out</p> <p>7 your client is shaking his head and making some noises</p> <p>8 that I think are on the tape, and if everybody could</p> <p>9 just take a moment to instruct folks to remain quiet.</p> <p>10 THE WITNESS: May I take a break,</p> <p>11 please?</p> <p>12 MR. FLOCAS: Sure. Why</p> <p>13 don't -- this is a good time for it.</p> <p>14 VIDEOGRAPHER: Going off the</p> <p>15 record the time is 2:51.</p> <p>16 (At 2:51 p.m. the proceedings</p> <p>17 recessed, continuing at 3:11 p.m.)</p> <p>18 VIDEOGRAPHER: Going back on the</p> <p>19 record the time is 3:11.</p> <p>20 Q (By Ms. Edwards) Mr. Casey, when you first</p> <p>21 saw the officers at a distance why were you afraid of</p> <p>22 them?</p> <p>23 A Because of their appearance and going, "Hey,</p> <p>24 hey you." They were approaching me seeming that they</p> <p>25 wanted something. I was afraid I would get mugged or</p>	<p style="text-align: right;">Page 103</p> <p>1 got into the car?</p> <p>2 A The only thing I said after I got into the</p> <p>3 car was, "Please, God, don't shoot me."</p> <p>4 Q Didn't you say, "Fuck you, I'm not going to</p> <p>5 jail"?</p> <p>6 A No.</p> <p>7 Q So if both officers say you said that,</p> <p>8 they're lying?</p> <p>9 A That's correct.</p> <p>10 Q And if asked separately that question, they</p> <p>11 both just happened to come up with the same lie?</p> <p>12 A Yes.</p> <p>13 Q How was Officer Corpus hitting the window?</p> <p>14 A It's -- I recall someone hitting the</p> <p>15 driver-side window with their fist. It was partially</p> <p>16 cracked still, down several inches, and just seemed</p> <p>17 like it was with a fist.</p> <p>18 Q What was he saying?</p> <p>19 A I don't know.</p> <p>20 Q He had his badge on, and you're saying you</p> <p>21 did not see the badge?</p> <p>22 A I did not see the badge.</p> <p>23 Q Okay. You don't deny that he had it on?</p> <p>24 MR. FLOCAS: Objection to the</p> <p>25 extent --</p>
<p style="text-align: right;">Page 102</p> <p>1 something.</p> <p>2 Q You're 6 foot 5, they're 5 foot 7. Why</p> <p>3 would you be afraid of these short guys?</p> <p>4 A There were two individuals there. I,</p> <p>5 I'm -- that's why.</p> <p>6 Q Well, are you afraid of everyone you</p> <p>7 encounter in the park?</p> <p>8 MR. FLOCAS: I'm just going to</p> <p>9 object to that as argumentative. You can answer.</p> <p>10 THE WITNESS: People who approach,</p> <p>11 greet me, and that I don't know, in an aggressive</p> <p>12 manner, yes. I am afraid of those kind of people in</p> <p>13 the park when I'm there by myself.</p> <p>14 Q (By Ms. Edwards) What was aggressive about</p> <p>15 their manner?</p> <p>16 A Yelling at me, "Hey, hey you. Stop."</p> <p>17 Q Is that it?</p> <p>18 A Yes. Yes.</p> <p>19 Q What did you say to the officers before you</p> <p>20 got in the car?</p> <p>21 A I said nothing to them.</p> <p>22 Q Did you lock the door when you got in the</p> <p>23 car?</p> <p>24 A Yes.</p> <p>25 Q What did you say to the officers after you</p>	<p style="text-align: right;">Page 104</p> <p>1 THE WITNESS: I do deny that --</p> <p>2 MR. FLOCAS: -- that it's</p> <p>3 testimony [inaudible].</p> <p>4 THE WITNESS: I don't -- I did not</p> <p>5 see a badge, is all I can say.</p> <p>6 Q (By Ms. Edwards) Mr. Casey, if you'd please</p> <p>7 let your lawyer just finish his objection.</p> <p>8 THE WITNESS: Sorry.</p> <p>9 MR. FLOCAS: And actually, yeah,</p> <p>10 we should avoid trying to talk over each other.</p> <p>11 THE WITNESS: I'm sorry.</p> <p>12 Q (By Ms. Edwards) You deny that he was</p> <p>13 wearing a badge?</p> <p>14 A Yes. I deny.</p> <p>15 Q What about Officer Rodriguez who was in the</p> <p>16 front of the car? You deny he was wearing a badge?</p> <p>17 A I deny it.</p> <p>18 Q It's on a chain around his neck, and you</p> <p>19 said he wasn't wearing it?</p> <p>20 A I did not see a badge --</p> <p>21 Q Oh, so you're --</p> <p>22 A -- on a chain around his neck.</p> <p>23 Q So you're not saying he wasn't wearing it,</p> <p>24 you're saying you didn't see it?</p> <p>25 A I'm saying he wasn't wearing it.</p>

26 (Pages 101 to 104)

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<p style="text-align: right;">Page 105</p> <p>1 Q After Officer Corpus, who's seated to my 2 right, banged on your driver's window, then what did 3 he do? 4 A The Officer Rodriguez, who had the gun 5 trained on me, motioned to him with his right hand 6 towards the curb to back up. He told Corpus to get 7 back on the curb. 8 Q Did he do so? 9 A Yes. 10 Q And then you backed up? 11 A As he was doing that, that's when I started 12 the ignition to my car. 13 Q If you were so afraid, why didn't you start 14 the ignition to your car as soon as you got in it? 15 A Because they were running to my car. Just 16 as I got in the car they were just there. My window 17 just got hit all of a sudden, and I look up and 18 someone is holding a gun on me. I, I'm trying to cope 19 with this. 20 Q Why didn't you start the ignition as soon as 21 you got in the car? 22 MR. FLOCAS: Objection to the 23 extent it's been asked and answered. 24 THE WITNESS: As soon as I got in 25 the car I just described to you what had happened. I</p>	<p style="text-align: right;">Page 107</p> <p>1 was difficult to steer the car towards the exit. 2 Q You had your cell phone with you, correct? 3 A I had a cell phone in the car. 4 Q Um-hm. 5 A Yes. 6 Q You never called 911, did you? 7 A No. I didn't call 911. I was more 8 concerned about trying to get to a safe place to do 9 so. 10 Q Well, 911 is three digits. You could have 11 called 911, correct? 12 MR. FLOCAS: Objection to the 13 extent it's argumentative. You can answer. 14 THE WITNESS: And no, I couldn't 15 have called 911 at that time, in the danger, the 16 present danger that I was obviously in. What could a 17 phone call do as opposed to trying to get out of the 18 immediate danger? 19 Q (By Ms. Edwards) Well, you never called 20 911, did you? 21 A I was going to call 911, but I didn't have 22 to because I started hearing the sirens after I passed 23 the intersection of Parmer and Lamar. 24 Q Well, you never called 911 while you were in 25 the park. I mean, these officers are on foot. They</p>
<p style="text-align: right;">Page 106</p> <p>1 did not have even a moment to contemplate starting the 2 engine. I thought I -- I hadn't thought of starting 3 the engine; just getting in my car to safety. The 4 next thing I know, the sequence of events is my window 5 got hit and I look up and someone has a gun trained on 6 me. 7 Q (By Ms. Edwards) So it's your testimony the 8 car was not moving until you were fired upon; is that 9 correct? 10 A That's correct. The car was -- after the 11 second guy was moved over to the curb, he looked back 12 over at me with the gun, standing in front of it just 13 after I got in my car. That's when I turned the 14 ignition on, had turned the wheel all the way to the 15 left. I turned the wheel so that my car would back 16 out. As soon as my car came to a complete stop then 17 he got in front of my car. I threw up my hands and 18 said, "Please, God, don't shoot me," and he proceeded 19 to fire bullets into my car and came around to the 20 9:00 o'clock position and struck me. 21 So after that I reached across the 22 steering column with my left hand, I put it in drive. 23 And it was very difficult to do with my left hand, I'm 24 not a left-handed person. I managed to get the 25 car -- I think the power steering was damaged, so it</p>	<p style="text-align: right;">Page 108</p> <p>1 didn't chase you, did they? They didn't chase the 2 car, did they? 3 A I have no idea if they chased the car or 4 not. 5 Q You weren't looking to see if they were 6 following you? I mean, a man with a gun shooting at 7 you and you're not looking back or looking in your 8 rearview or side view to see if he's following you 9 with a gun? 10 A The best I could hope for was to not feel 11 another thud hit me in the back of the head as I was 12 trying to get away -- 13 Q Okay. 14 A -- for my life. 15 Q So once you got away you're still in the 16 park. Why didn't you recall 911? You were shot. 17 A Yes. I was shot. I was -- 18 Q Why didn't you -- 19 A -- shot. 20 Q -- call 911 for help? 21 A Because I was trying to get away from -- 22 Q Why didn't you -- 23 A -- the danger. 24 Q -- call 911 so these two hippies could be 25 arrested?</p>

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<p style="text-align: right;">Page 109</p> <p>1 MR. FLOCAS: Objection to the 2 extent it's been asked and answered. 3 THE WITNESS: I've answered the 4 question, and I don't know. That's my answer to you. 5 Q (By Ms. Edwards) No, sir. 6 A No. I -- 7 Q It's the first time I've asked you -- 8 A You -- 9 Q -- why you didn't call 911 so these two 10 hippies -- 11 A And I told you -- 12 Q -- could be arrested. 13 A -- I was trying to get to safety first out 14 of the immediate danger so that I would not be hurt 15 further, to get to a safe place so I could do so. 16 That is my answer. I can't elaborate any more on it 17 than that. 18 Q Well, I'm familiar with the park, and 19 there's a great distance from -- 20 A I did not have my cell phone on me. It was 21 probably under my seat. I just -- it was a TracFone I 22 kept in my car in case of an emergency. 23 Q This was an emergency, was it not? 24 A Yes, it was, but with my arm blown up like 25 hamburger meat, my dog upset, the incident that just</p>	<p style="text-align: right;">Page 111</p> <p>1 A No, I'm not. 2 Q You weren't? 3 A There was no police chasing me. I did not 4 see a cop car. I was focused on my arm, trying to 5 reach into the floorboard to grab something to try to 6 put some compression on it. My dog, the blood 7 everywhere, I was -- and I felt like I was going to 8 pass out. I was trying to get somewhere out of that 9 immediate area there so I could -- I had gone down to 10 the end of Parmer, down Lamar over to a crossover. 11 And, yes, I did pull over, and 12 so -- yeah. I was -- started hearing sirens, like I 13 said, after I crossed that intersection. They started 14 getting louder. That's why I pulled into the 15 construction zone, because I thought if I had passed 16 out, someone would find me. I was trying to dig out 17 my cell phone to make the 911 call, but the sirens 18 started getting louder. So I, I was shot. I'd lost a 19 lot of blood. I was fearful for my life. 20 Q So you haven't listened to the audio or 21 watched the video of the police chase of you -- 22 A No. 23 Q -- is that right? 24 A I've never seen it. 25 Q Okay.</p>
<p style="text-align: right;">Page 110</p> <p>1 happened, it seemed more of a priority to get out of 2 that area than it was to sit there and make a 911 call 3 for -- I had no idea if I was going to be shot again 4 or killed. I was fearful for my life. I wanted to 5 get out of that area. 6 Q Well, once you were out of the area, though, 7 you're out of the park, it's a very long distance from 8 the horseshoe where you were shot to the park exit. 9 They're not following you, there's no one with a gun. 10 Seems then why didn't you call 911 so these two 11 hippies who were just shooting the place up would get 12 arrested? 13 A Because -- 14 MR. FLOCAS: Objection to the 15 extent it include facts not in evidence, is 16 speculation and also argumentative. You may answer. 17 THE WITNESS: Because I wanted to 18 get out of the area at that vicinity so I could pull 19 over and get some help and call 911. 20 Q (By Ms. Edwards) You didn't pull over. 21 Once the police found you there was a chase that went 22 quite a ways with the police car, wasn't there? 23 A Not that I'm aware of. 24 Q You -- you're not aware that you were in a 25 police chase?</p>	<p style="text-align: right;">Page 112</p> <p>1 A I'm not aware of it. 2 Q What all did the -- tell me everything 3 the -- that Officer Corpus said to you during the 4 incident. 5 A I don't recall Officer Corpus saying 6 anything to me except, "Hey, you," perhaps, "stop." 7 It could have been the other individual saying that. 8 I don't, I don't recall Officer Corpus saying anything 9 to me. 10 Q Tell me everything that Officer Rodriguez 11 said to you during the incident. 12 A I don't recall him saying anything to me. 13 Q Tell me everything you said to the officers 14 during the incident. 15 A "Oh, God, please don't shoot me." 16 Q And that's all? 17 A Yes. 18 Q Did your car die at one point? 19 A No. But whenever I stopped in the 20 construction area on the frontage road of 35 the car 21 never ran again after that. It was undriveable. It 22 was totaled. 23 MS. EDWARDS: I just need a few 24 minutes to go over my notes, I mean one minute to go 25 over my notes.</p>

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<p style="text-align: right;">Page 113</p> <p>1 MR. FLOCAS: Okay. Sure.</p> <p>2 MS. EDWARDS: We don't need a</p> <p>3 break. I just need to go over my notes real quick.</p> <p>4 MR. FLOCAS: Um-hm.</p> <p>5 Q (By Ms. Edwards) Just, so is it your</p> <p>6 testimony you never tried to run over Officer Corpus</p> <p>7 when you put the car in reverse?</p> <p>8 A Yes. That is my testimony.</p> <p>9 Q So where was he when you're backing up?</p> <p>10 A Officer Rodriguez --</p> <p>11 Q Corpus.</p> <p>12 A Oh. Corpus was on the curb --</p> <p>13 Q Um-hm.</p> <p>14 A -- standing on the grass. He was not in the</p> <p>15 parking lot at any time that my car was in motion.</p> <p>16 Q When did you first -- at what point did you</p> <p>17 first start the ignition to your car?</p> <p>18 A The first time I started the ignition in my</p> <p>19 car was after Officer Rodriguez motioned for Officer</p> <p>20 Corpus to get back onto the grass up onto the curb.</p> <p>21 That's when I started the ignition and put my car into</p> <p>22 reverse.</p> <p>23 Q And then what?</p> <p>24 A I turned the wheel sharply to the left to</p> <p>25 back out so that my car would be at an angle facing</p>	<p style="text-align: right;">Page 115</p> <p>1 A That's correct. Until after I had been shot</p> <p>2 the car did not go forward.</p> <p>3 Q You realize you were parked right at the</p> <p>4 restrooms; isn't that right?</p> <p>5 A No. I was not parked right at the</p> <p>6 restrooms.</p> <p>7 Q The --</p> <p>8 A I was parked more towards the edge of the</p> <p>9 exit in the horseshoe.</p> <p>10 Q The restrooms are right there at the</p> <p>11 horseshoe, correct?</p> <p>12 A There are restrooms at the top point of that</p> <p>13 point, but at no time did I go to the restroom while I</p> <p>14 was there.</p> <p>15 Q What is your current residence?</p> <p>16 A My current residence is 517 West Hopkins,</p> <p>17 San Marcos, Texas 78666.</p> <p>18 Q How do you support yourself unemployed?</p> <p>19 A Currently I'm still in the work trial</p> <p>20 period, so I'm receiving benefits. I'm currently</p> <p>21 seeking full-time employment with some good options.</p> <p>22 Q So your only means of support is your \$827 a</p> <p>23 month?</p> <p>24 A At this time, yes.</p> <p>25 Q What is your fee arrangement with your</p>
<p style="text-align: right;">Page 114</p> <p>1 the exit.</p> <p>2 Q So you're saying you never moved your car or</p> <p>3 even started it until after the first shot was fired?</p> <p>4 A No. I moved my car after Officer Rodriguez</p> <p>5 had motioned for Officer Corpus to get up onto the</p> <p>6 curb. As he was doing that and not making eye contact</p> <p>7 with me, pointing his gun at me, that's when I started</p> <p>8 the car. I back out, like I described, my foot on the</p> <p>9 brake. The car was in reverse. Officer Rodriguez got</p> <p>10 in front of my car in the 12:00 o'clock position, and</p> <p>11 that's when I threw up my hands and said, "Please,</p> <p>12 God, don't shoot me." And he began shooting at my car</p> <p>13 into the hood, reaching around and finally making his</p> <p>14 way to the 9:00 o'clock position and shot me through</p> <p>15 the driver-side window of my car.</p> <p>16 Q When did you hit the gas and go forward?</p> <p>17 A Well, the power steering seems to have been</p> <p>18 out in the car. It hit, like, mechanisms on the</p> <p>19 internal part of the car. I reached over the steering</p> <p>20 column with my left hand, put it into drive, and then</p> <p>21 was trying with my left hand to steer the car towards</p> <p>22 the exit. It was like the car didn't even really want</p> <p>23 to move. It had damage to it.</p> <p>24 Q So are you saying you did not drive forward</p> <p>25 until after you were hit?</p>	<p style="text-align: right;">Page 116</p> <p>1 attorneys?</p> <p>2 A My fee arrangement with my attorneys?</p> <p>3 Q Yes.</p> <p>4 THE WITNESS: Would you answer</p> <p>5 that? Can you answer that? Are you allowed to?</p> <p>6 Q (By Ms. Edwards) No. The question is for</p> <p>7 you, sir.</p> <p>8 MR. FLOCAS: If -- to the extent</p> <p>9 you're able to.</p> <p>10 THE WITNESS: Oh, my fee</p> <p>11 arrangement. Okay.</p> <p>12 MR. FLOCAS: Whatever you can --</p> <p>13 THE WITNESS: I believe my fee</p> <p>14 arrangement is, at a successful conclusion of the</p> <p>15 suit, 25 percent, and then there's -- there are</p> <p>16 variations if it goes to a certain, certain levels of</p> <p>17 representation.</p> <p>18 Q (By Ms. Edwards) How much have you paid</p> <p>19 your attorneys to date?</p> <p>20 A I have not paid my attorneys present</p> <p>21 anything. The criminal attorney I had paid \$5,000,</p> <p>22 Christopher Holub I had paid 20 -- \$2,200.</p> <p>23 Q Where did you get \$7,200 to pay these</p> <p>24 attorneys?</p> <p>25 A 7-dollar-an-hour job.</p>

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1 MS. EDWARDS: Pass the witness.
 2 MR. FLOCAS: We'll reserve.
 3 VIDEOGRAPHER: This concludes
 4 today's deposition. We are going off the record, the
 5 time is 3:30.
 6 (At 3:30 p.m. the proceedings
 7 adjourned.)
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1 I, TRAVIS CASEY, have read the
 2 foregoing deposition and hereby affix my signature
 3 that same is true and correct, except as noted on the
 4 preceding page.
 5
 6 TRAVIS CASEY
 7 STATE OF TEXAS)
 8)
 9 COUNTY OF _____)
 10 Before me _____ (name of
 11 officer) on this day personally appeared TRAVIS CASEY,
 12 known to me (or proved to me under oath or through
 13 _____ (description of identity card or other
 14 document)) to be the person whose name is subscribed to
 15 the foregoing instrument and acknowledged to me that they
 16 executed the same for the purposes and consideration
 17 therein expressed.
 18 Given under my hand and seal of office on this _____
 19 day of _____, A.D., 2010.
 20
 21 Notary Public in and for
 22 The State of Texas
 23 My Commission Expires:
 24 _____
 25
 26 _____ No Changes Made _____ Amendment Sheet(s) Attached

Page 118

1 CHANGES AND SIGNATURE
 2 TRAVIS CASEY
 3 AUGUST 2, 2010
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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE WESTERN DISTRICT OF TEXAS
 3 AUSTIN DIVISION
 4 TRAVIS CASEY, °
 5 Plaintiff, °
 6 v. ° CASE NUMBER
 7 ° A-09-CA-337 SS
 8 OFFICER DAVID RODRIGUEZ °
 9 and THE CITY OF AUSTIN, °
 10 Defendants. °
 11 REPORTER'S CERTIFICATION OF THE
 12 ORAL DEPOSITION OF TRAVIS CASEY
 13 AUGUST 2, 2010
 14 I, Sandra S. Givens, Certified Shorthand Reporter
 15 in and for the State of Texas, hereby certify to the
 16 following:
 17 That the witness, TRAVIS CASEY, was
 18 duly sworn by the officer and that the transcript of
 19 the oral deposition is a true record of the testimony
 20 given by the witness;
 21 That the original deposition transcript was
 22 submitted to: Travis Casey in care of his attorneys at
 23 Huntsinger Law Office, PLLC.
 24 That a copy of this certificate was served on all
 25 parties and/or the witness shown herein on August 6,
 26 2010.
 27 I further certify that pursuant to FRCP Rule

30 (Pages 117 to 120)

GIVENS COURT REPORTING

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